



**U.S. Department of Justice  
Office of the Inspector General  
Evaluation and Inspections Division**

# **Review of the United States Marshals Service's Apprehension of Violent Fugitives**

**July 2005**

**I-2005-008**

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## EXECUTIVE DIGEST

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The Presidential Threat Protection Act of 2000 directed the creation of fugitive apprehension task forces and encouraged the Department of Justice (Department) to focus on apprehending violent federal and state fugitives. In fiscal year (FY) 2001, the Department changed its strategic plan and shifted the focus of its fugitive apprehension efforts from all federal fugitives to violent federal and violent state fugitives.<sup>1</sup> The United States Marshals Service (USMS), the federal government's primary agency for apprehending fugitives, is principally responsible for carrying out the Department's strategy. To apprehend fugitives of all types, Deputy Marshals in the 94 federal judicial districts (district) work individually or as members of warrant squads, district fugitive task forces, or Regional Fugitive Task Forces (RTF).<sup>2</sup> The Office of the Inspector General (OIG) initiated this review to evaluate the performance of the USMS in apprehending violent fugitives.<sup>3</sup>

To evaluate the USMS's performance, we analyzed trends in fugitive apprehensions using data from the USMS's Warrant Information Network (WIN) from FY 2001 to 2004. We also compared the number of violent fugitives apprehended to the amount of time (measured in staff years) that USMS personnel spent on fugitive investigations. In addition, to examine the effectiveness of the RTFs, we compared the number of violent fugitive apprehensions in the 15 districts included in the 5 existing RTFs to the number of violent apprehensions in the other 79 districts. We also surveyed all of the USMS district offices about their violent fugitive apprehension efforts.

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<sup>1</sup> The Department's *FY 2000-2005 Strategic Plan*, published in September 2000, focused the Department's apprehension efforts on federal fugitives, and the *FY 2001-2006 Strategic Plan*, published in November 2001 to address the events of September 11, focused the Department's apprehension efforts on violent federal and state fugitives.

<sup>2</sup> There are currently 5 RTFs encompassing 15 districts. The RTFs were created under the authority of the Presidential Threat Protection Act of 2000 to reduce the number of violent fugitives at large by promoting cooperation among federal, state, and local law enforcement agencies. In October 2004, the Department proposed creating 6 additional RTFs encompassing 43 districts.

<sup>3</sup> The term "violent fugitives" includes both violent federal fugitives and violent state fugitives. We defined "fugitives apprehended" as those arrested by the USMS, arrested by another agency at the direction of the USMS, or who surrendered.

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## RESULTS IN BRIEF

The performance of the USMS in apprehending violent fugitives improved from FY 2001 to FY 2004. During that period, the USMS increased the number of violent fugitives it apprehended by 51 percent. We also found that the USMS became more efficient in apprehending violent fugitives. The number of violent fugitives apprehended per staff year increased from 18 violent fugitives in FY 2002 to 21 violent fugitives in FY 2004.<sup>4</sup> We concluded that the USMS's performance improved primarily because the USMS increased the staff time dedicated to violent fugitive investigations by 21 percent and because the five RTFs created by the USMS were more efficient and effective at apprehending fugitives.<sup>5</sup>

Despite its improved performance, the USMS was unable to reduce the number of violent federal fugitives at large. From FY 2001 through FY 2004, the number of violent federal fugitives who remained at large increased by 3 percent to 14,419 fugitives.<sup>6</sup> The Deputy Marshals we interviewed said that the number of violent federal fugitives sought by the USMS increased because the increased number of federal task forces throughout the country generated more federal fugitives. We found that the USMS also investigated more federal fugitives referred from other federal agencies, and that state and local law enforcement agencies requested more assistance from the USMS in apprehending fugitives.

Although the increase in the number of violent federal fugitives is not fully within the USMS's control, we identified three factors within the USMS's control that, if addressed, would improve its effectiveness at apprehending violent federal fugitives. The factors are that (1) not all districts assigned violent federal fugitive investigations to the RTFs and

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<sup>4</sup> The USMS could not provide data on the amount of time its personnel spent on fugitive investigations in FY 2001.

<sup>5</sup> Most recently, the USMS used its RTFs and district task forces to coordinate Operation FALCON (Federal and Local Cops Organized Nationally). Operation FALCON involved more than 900 federal, state, and local law enforcement agencies, and resulted in the arrest of 10,340 fugitives from April 4 through 10, 2005. The USMS focused Operation FALCON's efforts on apprehending fugitives wanted for gang-related crimes, homicide, crimes involving use of a weapon, crimes against children and the elderly, crimes involving sexual assaults, and other crimes of violence.

<sup>6</sup> The number of violent state fugitives under investigation by the USMS and still at large could not be determined because of incomplete data in WIN. As Marshals in 52 of 88 districts who responded to our survey reported, most districts did not routinely enter state fugitive investigations in WIN when an investigation was opened. Deputy Marshals were not required to, and in many districts did not, enter state fugitive investigation data into WIN until after they arrested the fugitive.

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other task forces; (2) the USMS did not fully change its focus from apprehending all federal fugitives to apprehending violent federal and state fugitives; and (3) most USMS districts did not enter data regarding their state fugitives in WIN when the investigations were opened so that the USMS could more effectively focus its resources on apprehending violent fugitives.

### **Reasons for Improved Performance**

The performance of the USMS in apprehending violent fugitives improved for two main reasons. First, from FY 2002 to FY 2004, the amount of time that Deputy Marshals and other personnel devoted to fugitive investigations increased by 21 percent, from 911 staff years to 1,104 staff years. The additional staff time devoted to fugitive investigations came from both new staff and staff redirected from other functions. The second reason for the USMS's improved performance was that the RTFs provided a more effective approach to apprehending violent fugitives. According to USMS personnel we interviewed, the wider geographic coverage of the RTFs, coupled with the Deputy Marshals' and task force officers' authority to cross district boundaries to pursue fugitives, resulted in the USMS apprehending more violent fugitives.

Because of these two factors, not only did the USMS apprehend more federal fugitives – an increase of 51 percent from 14,348 to 21,600 – but it increased its overall efficiency. The increase in the number of violent federal fugitives apprehended was larger than the 21-percent increase in resources. Our analysis of the USMS's data also confirmed that the RTFs provided a more effective method of apprehending violent fugitives than district fugitive task forces, warrant squads, and Deputy Marshals working individually. While the USMS overall achieved a 51-percent increase in apprehensions, the number of violent fugitives apprehended in RTF districts increased by 67 percent from FY 2001 through FY 2004, as compared to a 45-percent increase in non-RTF districts over the same period. We also found that RTF districts achieved greater increases in their efficiency at apprehending violent fugitives. From FY 2002 through FY 2004, the RTF districts increased the number of violent fugitives apprehended per staff year from 17 to 22 fugitives, while the non-RTF districts increased the number of violent fugitives apprehended from 18 to 20 fugitives per staff year.

### **More Violent Federal Fugitives at Large**

Despite the increased number of USMS violent fugitive apprehensions, the number of violent federal fugitives still at large increased by 3 percent during the last 4 years, from 14,046 in FY 2001

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to 14,419 in FY 2004. Several factors beyond the control of the USMS contributed to the increase in the number of violent federal fugitives at large. The Deputy Marshals we interviewed stated that the increased number of federal task forces throughout the country generated more federal investigations. In addition, the USMS investigated more federal fugitives referred from other federal agencies. Also, after the Department changed its focus from apprehending all federal fugitives to apprehending violent federal and violent state fugitives, state and local law enforcement agencies requested more assistance from the USMS in apprehending fugitives.

### **Factors That Limited Violent Fugitive Apprehensions**

Although the increase in the number of violent federal fugitives is not fully within the USMS's control, we identified three factors within the USMS's control that, we believe if addressed, would improve its effectiveness at apprehending violent federal fugitives. First, not all districts assigned violent federal fugitive investigations to the task forces; second, the USMS did not fully shift its focus from apprehending all federal fugitives to apprehending violent fugitives; and third, most USMS districts did not enter data regarding their state fugitives in WIN when the investigations were opened so that the USMS could more effectively focus its resources on apprehending violent fugitives. We believe that by addressing these three factors, which we discuss in more detail below, the USMS could further improve the overall effectiveness of its fugitive apprehension program and help achieve the Department's strategic objective of reducing the number of violent fugitives at large.

Not All Districts Assigned Violent Federal Fugitive Investigations to Task Forces. We found that many districts did not assign violent federal fugitive investigations to the RTFs and other USMS task forces that operated in their districts. Moreover, the USMS had no written guidelines on whether the RTFs, other task forces, or the districts' warrant squads should investigate violent federal fugitives. As a result, some Marshals did not assign violent federal fugitive investigations to task forces operating in their districts. Of the 88 districts that responded to our survey, 77 reported that they had RTFs or other task forces operating in their district. But of those 77 districts, 21 – including 7 RTF districts – reported that they assigned 25 percent or less of their violent federal fugitive investigations to the task forces. Overall, 33 of the 77 districts reported that they assigned 50 percent or less of their violent federal fugitive investigations to the task forces.

Some Marshals we interviewed stated that they were reluctant to assign their violent federal fugitive investigations to the RTFs because the Marshals did not have supervisory authority over the RTFs. Other Marshals

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stated that they retained the more complex violent fugitive investigations to develop the investigative capability of district Deputy Marshals. Other Marshals stated that they were concerned that assigning all violent federal fugitive investigations to the task forces could undermine the morale of Deputy Marshals assigned to the district.

Focus Not Fully Shifted to Violent Fugitive Investigations. We found that the USMS had not fully shifted its focus to apprehending violent fugitives as directed by the Presidential Threat Protection Act of 2000 and Department policy. We also found that the USMS had not established any performance goals related to the apprehension of *violent* fugitives. Instead, the USMS continued to track and report on its apprehensions of all federal fugitives.

The USMS was, to some extent, limited in its ability to shift its focus to apprehending violent fugitives because it is required to pursue all fugitives for whom it is responsible, whether or not they are known or suspected to be violent. Our analysis showed that 80 percent of USMS fugitive investigations in FY 2004 involved fugitives not known to be violent. Consequently, the “due diligence” requirement to pursue all fugitives limits the USMS’s ability to fully shift its efforts to apprehend those who are violent.<sup>7</sup>

We also found that the RTFs did not limit the state fugitive investigations they accepted to only violent fugitives. To encourage the participation of state and local law enforcement agencies, the USMS accepted state fugitive investigations that did not involve violent fugitives. As a result, in FY 2004, 69 percent of the state fugitives apprehended in the RTF districts were not considered violent.

State Fugitive Investigations Not Entered in WIN. We found that not all USMS districts entered state fugitive investigations in WIN when they accepted them. In response to our survey, 52 of the 88 districts that responded reported that they did not do so. Because some districts did not record all state fugitive investigations in WIN until the investigations were closed, if at all, the USMS could not ensure its efforts were sufficiently focused on violent fugitives. In addition, it could not fully assess its progress at apprehending violent fugitives or assess the impact of accepting

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<sup>7</sup> “Due diligence” requirements are designed to ensure that a prosecution may proceed under the federal Speedy Trial Act. Under 18 U.S.C. §3161 (h)(3)(B) the government must be able to demonstrate that a defendant’s whereabouts were unknown either because the defendant was avoiding apprehension or because the defendant’s whereabouts could not be determined after due diligence.

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investigations not classified as violent on the performance of its fugitive apprehension program.

## **CONCLUSIONS AND RECOMMENDATIONS**

The improvement achieved by the USMS fugitive apprehension program – a 51-percent increase in apprehensions over a 4-year period – represents a significant contribution to the Department’s efforts to reduce crime and improve public safety. However, because the number of violent federal fugitives at large has continued to increase, further improvements are needed.

We identified several areas in which the USMS can improve its apprehension of violent federal fugitives in order to reduce the number of violent federal fugitives at large. Some Marshals failed to assign violent federal fugitive investigations to the RTFs and other task forces. Because the RTFs were more effective and efficient, assigning violent fugitive investigations to them could improve the USMS’s apprehension effort. Further, the assignment of investigations involving fugitives not classified as violent to the RTFs and other task forces hindered the effectiveness of the USMS’s efforts to focus those resources on apprehending violent fugitives. Limiting the number of investigations involving fugitives not classified as violent that the RTFs and other task forces undertake would enable them to better focus on violent fugitives, as directed in the Presidential Threat Protection Act of 2000 and Department policy. Also, the failure of districts to enter information in WIN when state fugitive investigations are opened by the USMS prevented the USMS from effectively focusing on violent state and federal fugitives. By entering data on state fugitive investigations when the investigations are opened, the USMS can better ensure its efforts are sufficiently focused on violent fugitives and fully assess its progress at apprehending violent fugitives at large.

The Department’s October 2004 *Fugitive Apprehension Report* proposed the creation of six additional RTFs. Our analysis of the fugitive apprehension data indicates that the six new RTFs can be expected to apprehend more violent fugitives, and we believe the creation of new RTFs is warranted.

Therefore, to further improve the USMS’s effectiveness in apprehending violent fugitives and to reduce the number of violent federal fugitives at large, we recommend that the USMS:

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1. Establish goals and measures to track the USMS's performance in apprehending violent fugitives and its progress in reducing the number of violent fugitives at large.
  2. Require districts to enter state fugitive investigations in WIN when the investigations are opened by the USMS.
  3. Establish criteria for districts to ensure that violent federal fugitive investigations are assigned to the RTFs and other task forces.
  4. Analyze WIN data to ensure that the districts appropriately focus on violent federal and state fugitive investigations.
  5. Consider creating the six RTFs proposed in the Department's October 2004 *Fugitive Apprehension Report*.



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## BACKGROUND

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The United States Marshals Service (USMS) has several important mission, including protecting the federal judiciary; housing and transporting federal prisoners in custody; and ensuring the security, health, and safety of Government witnesses.<sup>8</sup> In addition, the USMS is the federal government's primary agency for apprehending fugitives. In carrying out this responsibility, the USMS maintains a record of all federal arrest warrants and has the authority to "investigate such [federal and state] fugitive matters, both within and outside the United States, as directed by the Attorney General."<sup>9</sup>

### Fugitive Apprehension Policy

The Attorney General's 1988 *Policy on Fugitive Apprehension in Federal Bureau of Investigation and Drug Enforcement Administration Cases* states that the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA) shall have apprehension responsibility for all arrest warrants resulting from their own investigations. However, the DEA may delegate apprehension authority to the USMS if it does not apprehend the fugitive within 7 days of the issuance of an arrest warrant. The FBI does not routinely transfer fugitive investigations to the USMS. As noted in the U.S. Department of Justice's (Department) October 2004 *Fugitive Apprehension Report*, the USMS is currently reviewing the 1988 policy in light of the transfer of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to the Department in January 2003.<sup>10</sup> Like the FBI, the ATF currently does not routinely delegate fugitive investigations to the USMS.

**Fugitive:** A fugitive is any individual for whom a warrant for arrest has been issued; who has escaped from the custody of federal, state, or local law enforcement or correctional authorities; for whom a warrant for arrest, or equivalent document, has been issued by a foreign government; or who has escaped from the custody of foreign law enforcement or correctional authorities, and for whom the United States has received a request for assistance in locating or apprehending.

Source: U.S. Department of Justice *Fugitive Apprehension Report*, October 19, 2004.

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<sup>8</sup> Recent Office of Inspector General reviews in these areas include *Review of the United States Marshals Service Judicial Security Process*, I-2004-012 (March 2004), and *Administration of the Witness Security Program* (March 2005).

<sup>9</sup> 28 U.S.C. § 566(a).

<sup>10</sup> The revised fugitive apprehension policy for the Department is currently in draft form. In addition, the USMS and the ATF are working on a draft Memorandum of Understanding concerning the referral of ATF fugitives to the USMS.

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Although the Attorney General's 1988 policy does not apply to law enforcement agencies in other federal departments, the USMS has Memorandums of Understanding (MOU) with a number of agencies to assume apprehension responsibility for their fugitives. The USMS currently has MOUs with the Social Security Administration, the Internal Revenue Service, the Department of State's Bureau of Diplomatic Security, the Department of Housing and Urban Development's Office of Inspector General (OIG), the Department of Veterans Affairs' OIG, the Department of Education's OIG, the Department of Agriculture's OIG, and the Department of Homeland Security's Federal Emergency Management Agency, among others.

In addition, the USMS has MOUs with state and local law enforcement agencies to assist in apprehending their fugitives. This authority to investigate non-federal fugitive felons derives from 28 U.S.C. § 566(e)(1)(B), which states that the USMS is authorized to "investigate such fugitive matters, both within and outside the United States, as directed by the Attorney General." Since this authorization was passed in 1988, the Attorney General has repeatedly authorized the USMS to participate with state and local law enforcement authorities in the investigation, pursuit, and arrest of fugitives wanted on state as well as federal charges.

### **Types of Fugitives**

Federal fugitives are categorized based on whether they are wanted for a felony or non-felony (misdemeanor and some bench warrants) and whether the USMS has primary apprehension responsibility.<sup>11</sup> The USMS designates violent fugitives as those on its 15 Most Wanted list, Major Case list, and fugitives whose underlying or current offense is homicide, kidnapping, assault, aggravated assault, robbery, arson, an "over-the-wall" escape, or involves weapons or explosives as violent fugitives.

The USMS established the 15 Most Wanted fugitive program in 1983 to prioritize investigations of the country's most violent federal and state fugitives. These fugitives tend to be career criminals with histories of violence or whose current offenses pose a significant threat to public safety. Current and past fugitives in this program include murderers, sex offenders, drug kingpins, organized crime figures, and individuals wanted for high-profile financial crimes. The USMS established its Major Case fugitive program in 1985 to broaden the 15 Most Wanted fugitive program. Much like the 15 Most Wanted fugitive program, the Major Case fugitive program prioritizes the investigation of the country's most dangerous federal and

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<sup>11</sup> 18 U.S.C. § 3156 (3) (3) defines "felony" as an offense punishable by a maximum term of imprisonment of more than 1 year.

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state fugitives. Individuals who escape from custody are automatically elevated to Major Case status. There are approximately 300 Major Case investigations at any given time.

### **Types of Investigations**

Deputy Marshals execute warrants and apprehend federal and state fugitives in the 94 federal judicial districts. The amount of time that Deputy Marshals spend on fugitive investigations depends on a number of factors, including the number of fugitive investigations assigned to them, additional district responsibilities beyond fugitive investigations, and the type of investigative entity they are assigned to in the district. The four types of investigative entities are:

Individual Investigators. Each district usually has a number of Deputy Marshals assigned to conduct fugitive investigations. These Deputy Marshals have certain fugitives for whom they are responsible for investigating and must balance these investigations with other duties – such as court security and transporting prisoners. The individual Deputy Marshals do not work routinely with state and local law enforcement or other federal agencies.

Deputy Marshals working individually operate within a single district. If a fugitive under investigation leaves the district, the Deputy Marshal transfers responsibility for the fugitive investigation to another district by sending a collateral lead to the district to which the fugitive fled. A collateral lead is sent electronically through the USMS's Warrant Information Network (WIN), by facsimile, or by telephone. The lead provides background information on the fugitive, summarizes the investigation, and specifies how quickly the responding district must act. The district that initiated the collateral lead can request that the receiving district act on the lead immediately, within 48 hours, within 5 days, or within 10 days depending on the urgency of the investigation.

District Warrant Squads. Warrant squads are teams of district Deputy Marshals that conduct fugitive investigations within a district. Deputy Marshals assigned to warrant squads usually have additional district responsibilities, but fugitive investigations are their primary responsibility. Warrant squads work within a district and do not routinely work with state and local law enforcement or other federal agencies.

District Fugitive Task Forces. A district fugitive task force includes law enforcement personnel from other federal agencies, as well as deputized

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state and local law enforcement personnel.<sup>12</sup> Like a district warrant squad, a district fugitive task force operates within the boundaries of the district. Deputy Marshals are assigned to district fugitive task forces on a rotating basis and have minimal district responsibilities other than fugitive investigations.

Regional Fugitive Task Forces. The Presidential Threat Protection Act of 2000 directed the Attorney General to create permanent Regional Fugitive Task Forces (RTF) consisting of federal, state, and local law enforcement personnel to apprehend the most dangerous fugitives. This Act provided the following language:

Sec. 6. FUGITIVE APPREHENSION TASK FORCES

(b) AUTHORIZATION OF APPROPRIATIONS – There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section \$30,000,000 for fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

Although the Act authorized funding for FY 2001, there was no funding appropriated. However, in FY 2002, Congress appropriated \$5,825,000 for the “establishment of dedicated fugitive task forces on both coasts as proposed by the Senate.” In FY 2003, Congress appropriated \$2,916,000 to “establish two additional centrally-managed fugitive task forces in the heartland.” The FY 2004 Conference language included an ear-mark of \$11,476,000 for “all costs related to the regional fugitive task forces located in New York City, Los Angeles, Chicago, and Atlanta.” Also included in this amount was \$2 million for the “establishment of a new regional task force in the District of Columbia metropolitan area and \$300,000 shall be for a task force in Billings, Montana.” The five RTFs that are currently established are described below:

1. **The New York/New Jersey RTF** became operational in May 2002 and covers the Southern and Eastern districts of New York and the district of New Jersey.
2. **The Pacific Southwest RTF** became operational in July 2002 and covers the Central and Southern districts of California.
3. **The Great Lakes RTF** became operational in July 2003 and covers the Northern, Central, and Southern districts of Illinois; the Northern district of Indiana; and the Eastern district of Wisconsin.

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<sup>12</sup> The Department’s October 2004 *Fugitive Apprehension Report* stated that there were 83 district fugitive task forces.

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4. **The Southeast RTF** became operational in September 2003 and covers the Northern and Middle districts of Georgia.
  5. **The Capital Area RTF** became operational in 2004 and covers the District of Columbia's District Court and Superior Court, the district of Maryland, and the Eastern district of Virginia.

Like district fugitive task forces, RTFs include law enforcement personnel from other federal agencies, as well as deputized state and local law enforcement personnel. In contrast to district fugitive task forces that operate exclusively within a district, each RTF operates in two or more districts. The Deputy Marshals and other federal, state, and local law enforcement personnel serving on the RTFs can cross district boundaries during an investigation. The management of the RTFs also differs from that of district task forces and warrant squads. While individual U.S. Marshals supervise warrant squads and district task forces in their districts, the Investigative Services Division in USMS headquarters oversees the five RTFs.

Each RTF maintains an office in each of the districts in which it operates. Supervisory Inspectors from the Investigative Services Division direct the administrative and operational functions of the RTF; maintain communication among the RTF offices, the district offices, and headquarters; and supervise the RTF staff, including Deputy Marshals, federal and deputized state and local law enforcement personnel, and analysts. A limited number of Investigative Services Division Inspectors assigned to RTFs also conduct fugitive investigations. The majority of USMS personnel assigned to RTFs are Deputy Marshals who participate on the RTF either full or part time on a rotational basis. Once assigned to the RTF, these Deputy Marshals continue to work on their existing district fugitive investigations as well as any new investigations assigned to them through the RTF, but they are usually not assigned additional investigations directly by their district.

In the October 2004 *Fugitive Apprehension Report*, the Department proposed the creation of six additional RTFs based on the prevalence of criminal activity in specific areas of the country. They are:

1. **Southwest RTF** – based in Houston, Texas, and covering eight districts in Texas, New Mexico, and Oklahoma;
2. **Florida/Caribbean RTF** – based in Miami, Florida, and covering five districts in Florida, Puerto Rico, and the U.S. Virgin Islands;

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3. **Carolinas RTF** – based in Charlotte, North Carolina, and covering four districts in North Carolina and South Carolina;
  4. **West Central RTF** – based in St. Louis, Missouri, and covering 13 districts in Missouri, Arkansas, Colorado, Iowa, Kansas, Nebraska, North Dakota, South Dakota, Utah, and Wyoming;
  5. **Northern Pacific RTF** – based in San Francisco, California, and covering eight districts in California, Guam, Idaho, Hawaii, Oregon, and Washington; and
  6. **New England RTF** – based in Boston, Massachusetts, and covering five districts in Massachusetts, Maine, New Hampshire, Rhode Island, and Connecticut.

### **Headquarters' Support for Fugitive Investigations**

The USMS's Investigative Services Division provides investigative and administrative support for fugitive investigations and oversees the five RTFs. It also designates which fugitive investigations are 15 Most Wanted Cases or Major Cases. The Investigative Services Division includes the Analytical Support Unit and the Technical Operations Group, which provide analytic and tactical support for fugitive investigations.

The Analytical Support Unit maintains WIN, which is the USMS's central law enforcement information system. Through WIN, users are able to enter, collate, and retrieve fugitive and warrant information, including photographs. Users manage investigative information; access the National Crime Information Center; suspend, close, and delete warrant records; assign investigations to staff; share fugitive investigation information among districts, including collateral leads; and generate reports.<sup>13</sup> The Analytical Support Unit distributes WIN data in a monthly report, informing districts of their number of federal warrants and rate of clearance. Using the report, districts can determine where they rank compared to other districts in the apprehension of fugitives, and USMS headquarters can monitor the districts' performance.

The WIN data used for the analysis in this report is a subset of selected variables from the WIN system and is structured so that each record represents one warrant and contains information such as type of

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<sup>13</sup> The National Crime Information Center, maintained by the FBI, is a computerized index of criminal justice information, such as criminal records and information on fugitives, stolen properties, and missing persons, and is available to federal, state, and local law enforcement and other criminal justice agencies.

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warrant, underlying criminal offense, current offense, the agency that initiated the warrant, court records, and related internal correspondence. A single fugitive may have multiple warrants, each of which is represented in a separate record in this dataset.

The Technical Operations Group includes the Electronic Surveillance Unit, which provides covert investigative and intelligence support to fugitive apprehension and other investigative efforts, such as telephone monitoring, electronic tracking, and audio-video recording. Electronic Surveillance Unit personnel prepare court orders, serve as expert witnesses, and train law enforcement officers in the use of electronic surveillance.

The Management and Budget Division supports the USMS fugitive apprehension program by providing personnel support to districts. District personnel report their duty hours, including those hours dedicated to fugitive investigations, to the Management and Budget Division through the standard USM-7 form. The Management and Budget Division uses the information to assign the districts personnel, including administrative personnel and Deputy Marshals.

### **Performance Measures for Fugitive Apprehension**

The USMS measures its performance in terms of the number of federal fugitives apprehended or cleared. Apprehensions include:

- **Physical arrest** – The USMS is the lead agency in the apprehension and Deputy Marshals arrest the fugitive.
- **Directed arrest** – A USMS investigation provides enough information to allow another law enforcement agency to make an arrest in a location that is not easily accessible to USMS personnel.
- **Surrender** – Fugitives turn themselves in to the USMS or other authorities.

Clearances include:

- **Arrest by other agencies** – A physical arrest, directed arrest, or surrender that results from an investigation by an agency other than the USMS.
- **Lodged detainer** – When a fugitive is imprisoned by a law enforcement agency other than the USMS, the USMS advises prison officials that the prisoner is wanted on other charges and



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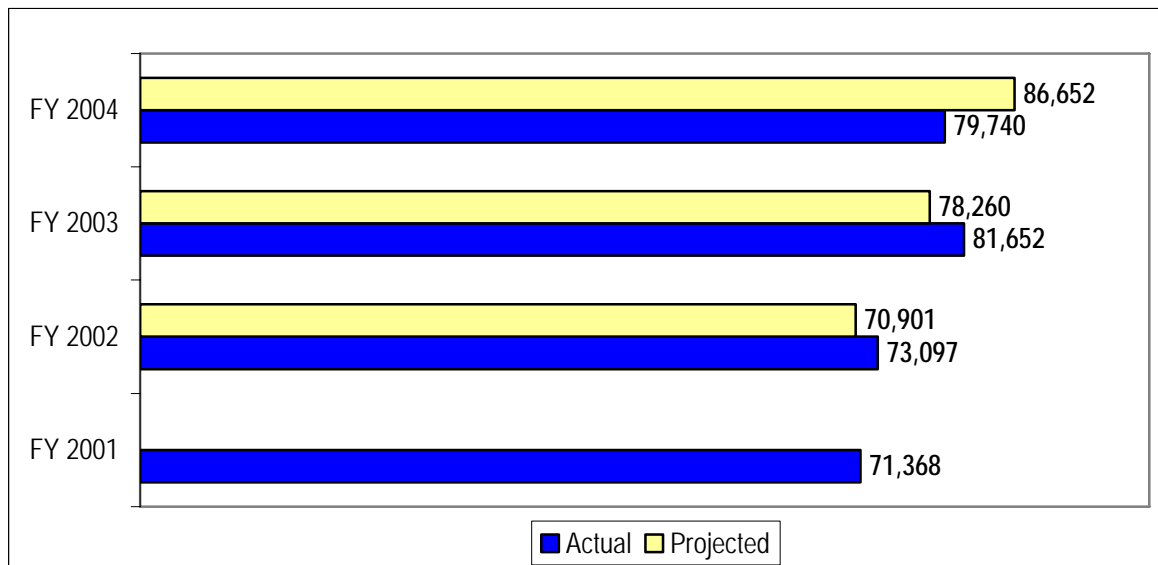
requests continued detention of the prisoner or notification of the prisoner's impending release.

- **Dismissal** – A federal magistrate or judge dismisses the warrant.
- **Return of the warrant to the original agency** – The DEA or the FBI requests that the warrant be returned.
- **Purging of the warrant** – The warrant is removed from WIN because the USMS believes that any further action on the warrant would be “impossible or unreasonable.” For example, if the fugitive is believed to be dead, then the warrant is purged.

According to the Department’s FY 2004 *Performance and Accountability Report* (Performance Report), the USMS’s target was to apprehend or clear 49 percent (86,652) of all federal fugitives in FY 2004. The actual number of federal fugitives apprehended or cleared was 79,740, or 47 percent of the year’s total. The Performance Report noted that the number of state and local fugitives apprehended or cleared by the USMS increased by 26 percent from FY 2003 to FY 2004, making it difficult for the USMS to keep pace with a growing federal fugitive workload. The USMS attributed the increased workload of state and local fugitives to investigations conducted by the RTFs and other USMS-led fugitive task forces. Chart 1 shows the projected and actual number of federal fugitives apprehended or cleared from FY 2001 through FY 2004.

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**Chart 1: Number of Federal Fugitives Apprehended or Cleared  
Department-wide from FY 2001 through FY 2004**



Source: FY 2002 – FY 2004 Department Performance and Accountability Reports

Note: In FY 2002, the USMS changed its performance measure from warrants apprehended or cleared to fugitives apprehended or cleared. For this reason, the projected target of fugitives apprehended or cleared for FY 2001 is not available.

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## PURPOSE, SCOPE, AND METHODOLOGY

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### Purpose and Scope

The OIG initiated this review to evaluate the performance of the USMS in apprehending violent federal and state fugitives from FY 2001 to FY 2004.<sup>14</sup> Although the ATF, the DEA, and the FBI conduct fugitive investigations, this review is limited to the USMS's efforts. Our review focused specifically on violent federal and state fugitives because locating and apprehending the most violent fugitives is the main priority of the USMS's fugitive apprehension program.<sup>15</sup>

### Methodology

The following is a summary of the methodology used to examine the performance of the USMS in apprehending violent federal and state fugitives. A detailed methodology is included in Appendix I.

We examined the performance of Deputy Marshals working individually or as members of warrant squads, district fugitive task forces, or RTFs in apprehending federal and state violent fugitives from FY 2001 to FY 2004, as well as the reasons for any differences in performance. We also surveyed each of the 94 USMS district offices on a range of topics pertaining to their fugitive apprehension activities. We received responses from 88 of the 94 (94 percent) districts. The questionnaire is included in Appendix II.

To examine the different approaches to fugitive apprehension, we visited 12 of the 15 districts that are part of the 5 RTFs, as well as 5 non-RTF districts. We interviewed Marshals, Chief Deputy Marshals, warrant squad supervisors, Task Force Supervisory Inspectors, Inspectors, Deputy Marshals involved with the Electronic Surveillance Unit, Deputy Marshals who investigate fugitives, WIN data administrators, and representatives from other federal, state, and local agencies who worked with the districts and RTFs to investigate and apprehend fugitives. We also conducted interviews with USMS headquarters personnel.

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<sup>14</sup> Previous OIG reviews of the USMS fugitive apprehension program are *Follow-up Inspection of the United States Marshals Service's Fugitive Apprehension Program*, I-2000-02 (January 2000) and *Inspection of the Fugitive Apprehension Program in the United States Marshals Service*, I-94-04 (September 1995).

<sup>15</sup> *U.S. Department of Justice Fiscal Years 2003-2008 Strategic Plan*, p. 2.97.

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To compute the number of apprehensions per staff year, we reviewed USMS headquarters and district personnel time and attendance data on hours spent investigating fugitives. These hours included time for administrative staff as well as Deputy Marshals. We requested data from the USM-7 database for all time spent by USMS staff investigating fugitives for FY 2001 to FY 2004; however, the USMS could provide data only from FY 2002 to FY 2004. We calculated staff years by dividing the number of hours worked in a district or grouping of districts by 2,087 hours (the Office of Personnel Management equivalent of one “full time equivalent” work year). To compute the number of apprehensions per staff year, we divided the number of clearances or apprehensions of fugitives by the staff years applied to fugitive investigations. We also analyzed data from two separate databases:

The Electronic Surveillance Unit database. We analyzed this database and examined the number of fugitive investigations in which Electronic Surveillance Unit personnel assisted, as well as the number of arrests that resulted from this assistance.

The Warrant Information Network (WIN). Our analysis of WIN consisted of two parts – the number of fugitives apprehended and the number remaining at large. We examined warrants in WIN received before October 1, 2004, and cleared between September 30, 2000, and October 1, 2004. In our analysis, one warrant equaled one fugitive, even if a fugitive had multiple warrants in the system.

Although WIN contained a field that captured whether a district task force or RTF apprehended a fugitive, we learned that USMS personnel did not consistently enter data in this field when a task force was involved. Therefore, we analyzed RTF performance based on the districts that constituted the RTFs as a whole (for example, the Pacific Southwest RTF comprises the Southern and Central districts of California). Any analysis regarding fugitives cleared or apprehended is based on the performance of the districts participating in the RTFs because we could not analyze individual RTFs’ performance separately from that of the districts in which they operated.

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## RESULTS OF THE REVIEW

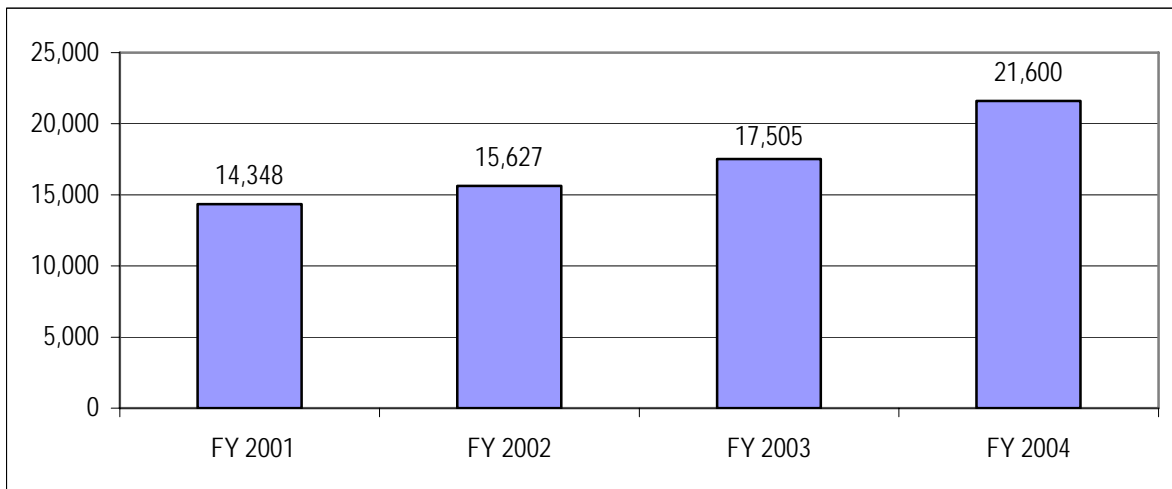
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### Apprehension of Violent Fugitives

**The USMS's performance in apprehending violent fugitives improved significantly from FY 2001 to FY 2004.<sup>16</sup> The number of violent fugitives apprehended by the USMS increased by 51 percent during this period, and the number of violent fugitives apprehended per staff year increased from 18 in FY 2002 to 21 fugitives in FY 2004. The two most significant factors explaining these improvements were that the USMS increased staff time dedicated to fugitive investigations and created five RTFs, which we found were effective in increasing violent fugitive apprehensions.**

As shown in Chart 2, from FY 2001 to FY 2004 the USMS increased the number of violent fugitives apprehended from 14,348 to 21,600, a 51-percent improvement.

**Chart 2: Violent Fugitive Apprehensions, FY 2001 to FY 2004**



Source: USMS WIN Database

We also found that the USMS became more efficient in apprehending violent fugitives. The number of violent fugitives apprehended per staff year increased from 18 violent fugitives in FY 2002 to 21 violent fugitives in

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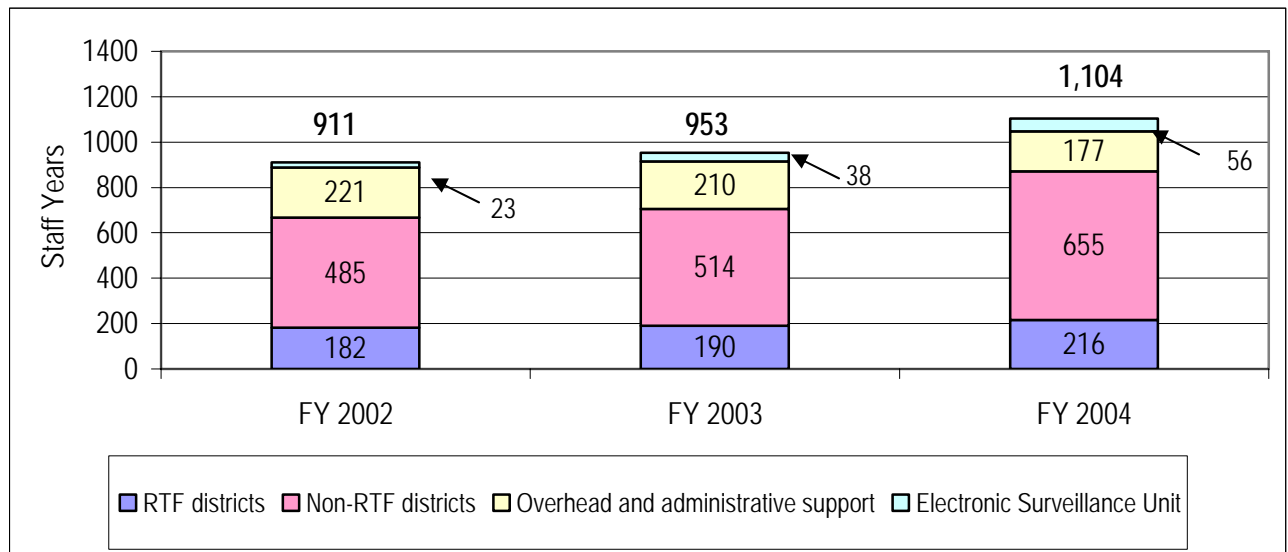
<sup>16</sup> The term “violent fugitives” includes both violent federal fugitives and violent state fugitives. We defined “fugitives apprehended” as those arrested by the USMS, arrested by another agency at the direction of the USMS, or who surrendered.

FY 2004.<sup>17</sup> We examined how the USMS achieved these improvements. We determined that the USMS achieved the increases because the USMS increased the staff time dedicated to fugitive investigations by 21 percent. In addition, the USMS improved its effectiveness at apprehending fugitives by creating 5 RTFs encompassing 15 districts.

### Staff Time Dedicated to Fugitive Investigations Increased

From FY 2002 to FY 2004, the USMS increased the amount of time that Deputy Marshals and other personnel devoted to fugitive investigations by 21 percent, from 911 staff years to 1,104 staff years (Chart 3).

**Chart 3: Amount of Time Spent on Fugitive Investigations (in Staff Years), FY 2002 to FY 2004**



Source: USMS Management and Budget Division

Note: The USMS could not provide data for FY 2001.

The additional staff years dedicated to fugitive investigations included the time of both new and existing USMS staff. From FY 2002 to FY 2004, the total number of Deputy Marshals assigned to the districts, the RTFs, and the Electronic Surveillance Unit increased by 13 percent (Table 1).

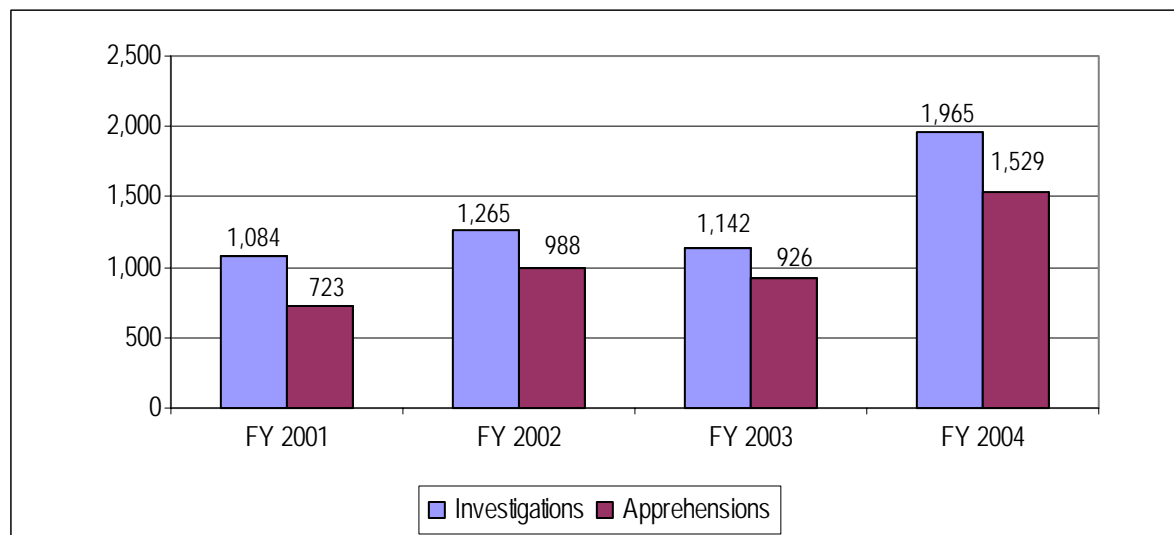
<sup>17</sup> Most recently, the USMS used its RTFs and district task forces to coordinate Operation FALCON (Federal and Local Cops Organized Nationally). Operation FALCON involved over 900 federal, state, and local law enforcement agencies, and resulted in the arrest of 10,340 fugitives from April 4 through 10, 2005. The USMS focused Operation FALCON's efforts on apprehending fugitives wanted for gang-related crimes, homicide, crimes involving use of a weapon, crimes against children and the elderly, crimes involving sexual assaults, and other crimes of violence.

**Table 1: Increases in USMS Personnel, FY 2002 to FY 2004**

	FY 2002	FY 2003	FY 2004
Deputy Marshals assigned to USMS districts	2,392	2,750	2,688
Investigative Services Division employees assigned to the RTFs	20	24	31
Employees assigned to the Electronic Surveillance Unit	31	36	47

Source: USMS Management and Budget Division and Investigative Services Division

Some of the increased resources were directed to USMS units that provide support to fugitive investigations. For example, the number of Deputy Marshals and other staff in the Electronic Surveillance Unit, which provides investigative and intelligence support for fugitive investigations, increased by 52 percent (from 31 to 47) from FY 2002 to FY 2004. With the increase in staff, the Electronic Surveillance Unit assisted in 81 percent more fugitive investigations from FY 2001 to FY 2004, which resulted in a 111-percent increase in apprehensions (Chart 4). The unit's personnel also said that the increase in staffing enabled them to give state and local law enforcement personnel greater access to the USMS's electronic surveillance capability. However, the Electronic Surveillance Unit database did not distinguish between federal and state fugitive investigations before October 2004. This has since been corrected.

**Chart 4: Electronic Surveillance Unit Investigations and Apprehensions, FY 2001 to FY 2004**

Source: USMS Electronic Surveillance Unit

The increase in personnel also allowed the USMS to generate and respond to a growing number of collateral leads. Collateral leads are district-to-district requests for fugitive investigation assistance that take

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priority over other USMS fugitive apprehension responsibilities. From FY 2003 to FY 2004, the number of collateral leads received by the districts increased by 61 percent, from 4,372 to 7,028 leads.

### **Five RTFs Created**

We concluded that the establishment of the five RTFs also contributed to the increase in violent apprehensions because they provided a more effective approach to apprehending violent fugitives. The Assistant Director of the Investigative Services Division, the Marshals, and the Deputy Marshals we interviewed stated that the RTFs were the primary reason for the increased number of violent fugitive apprehensions. The effectiveness of the RTF was also cited by representatives from other federal agencies we interviewed, who stated that they often brought their agencies' fugitive investigations to the RTFs. In RTFs, Deputy Marshals are able to work more closely with state and local law enforcement partners who are familiar with the local jurisdictions and informants in the geographic area covered by the RTF. The Deputy Marshals' authority to cross district, state, and local boundaries to pursue fugitives also improved the RTF partners' ability to apprehend violent fugitives.

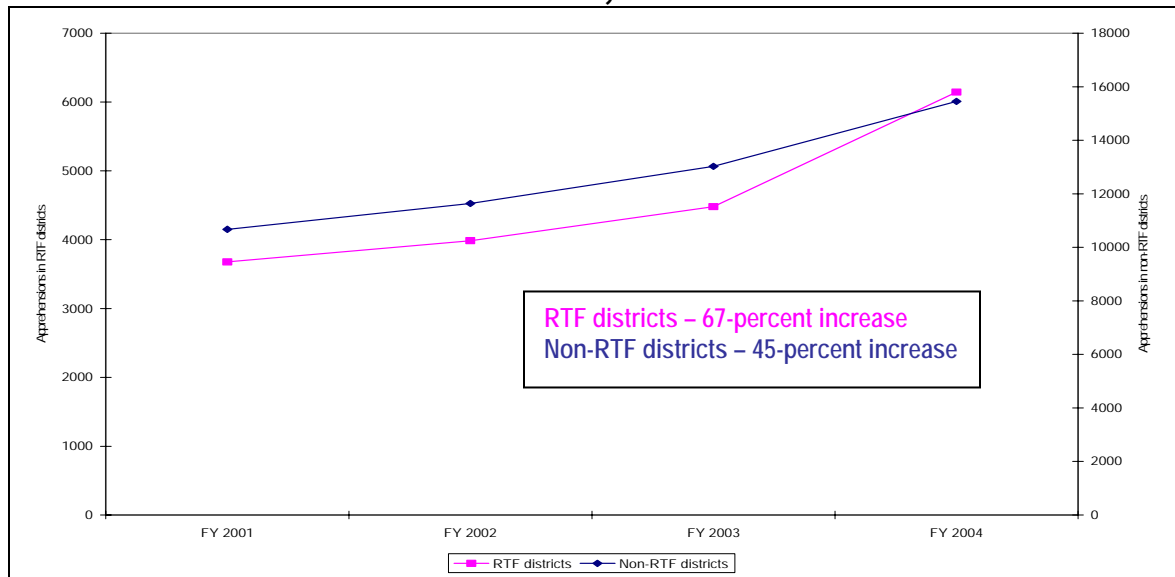
The state and local task force members we interviewed stated that working with the USMS task forces increased their effectiveness in apprehending violent fugitives. State and local members of RTFs cited several benefits, including:

- Greater electronic and financial surveillance capability;
- Access to federal law enforcement databases, such as those maintained by the Social Security Administration, the Department of Homeland Security's Bureau of Immigration and Customs Enforcement, and the Department of Housing and Urban Development;
- Expert Deputy Marshals dedicated to fugitive apprehension;
- Access to law enforcement officers familiar with the local jurisdictions and informants;
- More resources, such as overtime pay, vehicles, cellular phones, and equipment;
- One geographic location for the various law enforcement agencies to meet and share information;
- The ability to request USMS assistance across state or local boundaries; and
- Training opportunities and technical assistance.



Our analysis of WIN supports the conclusion that the RTFs were a significant reason for the increase in the number of violent fugitives apprehended. When we compared the number of violent fugitives apprehended in RTF districts to the number apprehended in non-RTF districts, we found that violent fugitive apprehensions increased by 67 percent in the RTF districts, compared to a 45-percent increase in non-RTF districts from FY 2001 to FY 2004 (Chart 5).

**Chart 5: Increase in Violent Fugitive Apprehensions in RTF Districts and Non-RTF Districts, FY 2001 to FY 2004**



Source: USMS WIN database

We also found that the RTF districts became more efficient over time in apprehending violent fugitives and apprehended more violent fugitives per staff year than non-RTF districts. In the RTF districts, the number of violent fugitives apprehended increased from 17 to 22 violent fugitives per staff year from FY 2002 to FY 2004, while the non-RTF districts apprehended 18 violent fugitives per staff year in FY 2002 and 20 per staff year in FY 2004 (Table 2).

**Table 2: Violent Fugitive Apprehensions per Staff Year in RTF and Non-RTF Districts, FY 2002 to FY 2004**

Districts	FY 2002	FY 2003	FY 2004
Non-RTF Districts	18	20	20
RTF Districts	17	18	22

Source: WIN database and USMS Management and Budget Division

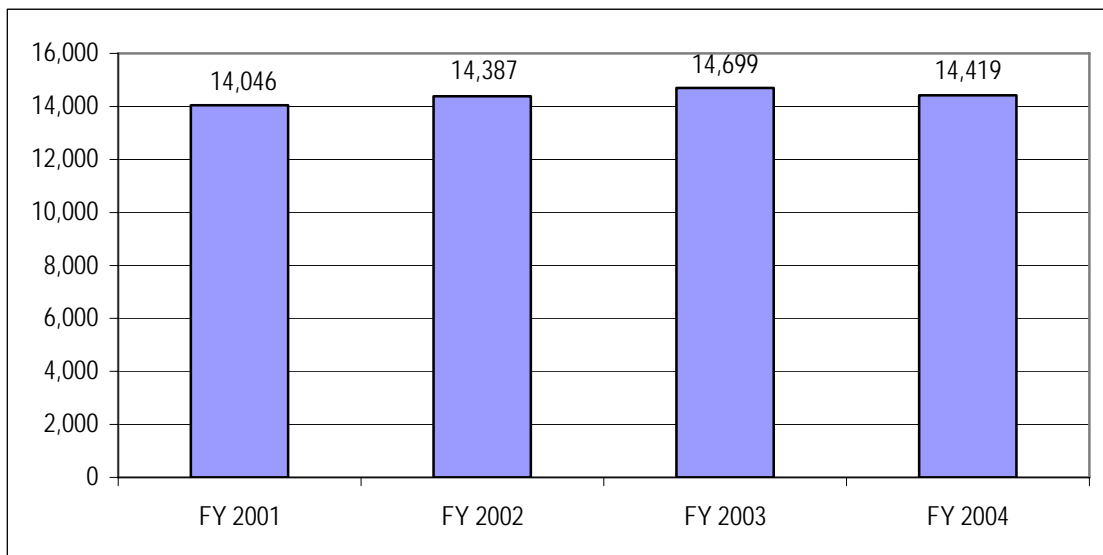
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## Factors That Limited Violent Fugitive Apprehensions

Despite the increase in violent fugitive apprehensions, the number of violent federal fugitives at large increased. Specifically, from FY 2001 through FY 2004, the number of violent federal fugitives at large increased by 3 percent, to 14,419 fugitives. Several factors beyond the control of the USMS contributed to the increase in the number of violent federal fugitives at large. However, we identified three factors that were within the USMS's control that contributed to the increase. First, not all districts assigned violent federal fugitive investigations to the task forces and RTFs; second, the USMS did not fully shift its focus from apprehending all federal fugitives to apprehending violent federal and state fugitives; and third, most districts did not enter data on their state fugitive investigations in WIN when the investigations were opened so that they could focus on apprehending violent fugitives.

Although the USMS increased the number of violent fugitives it apprehended from FY 2001 to FY 2004, the number of violent federal fugitives at large increased by 3 percent during the same period, from 14,046 to 14,419 (Chart 6).

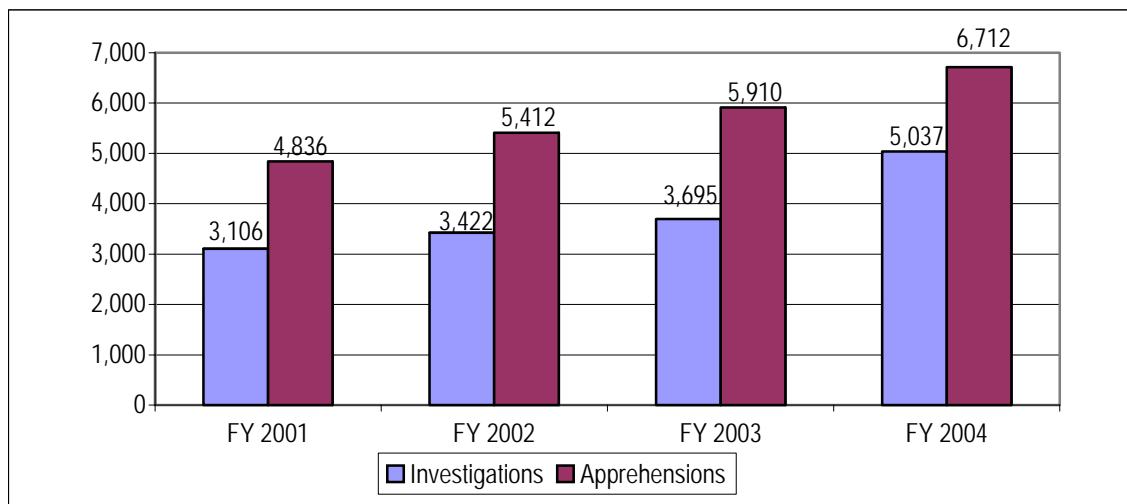
**Chart 6: Number of Violent Federal Fugitives at Large, FY 2001 to FY 2004**



Source: USMS WIN database

Several factors beyond the control of the USMS contributed to the increase in the number of violent federal fugitives at large.<sup>18</sup> We found that the USMS conducted more fugitive investigations on behalf of other federal agencies, including investigations for the ATF and the Department of Homeland Security's Bureau of Immigration and Customs Enforcement. From FY 2001 to FY 2004, the number of fugitive investigations that the USMS conducted for other federal agencies increased by 62 percent, from 3,106 to 5,037. The increasing number of investigations resulted in 39 percent more apprehensions of felony fugitives for other federal agencies, increasing from 4,836 in FY 2001 to 6,712 in FY 2004 (Chart 7).

**Chart 7: USMS Felony Fugitive Investigations and Apprehensions for Other Federal Agencies, FY 2001 to FY 2004**



Source: OIG District Survey and USMS WIN database

Note: The number of apprehensions is greater than the number of investigations because apprehensions include individuals who surrendered to the USMS before investigations were begun and because one investigation may result in multiple apprehensions.

Some of the Deputy Marshals we spoke with identified other external factors that may have contributed to the increased number of violent federal fugitives at large. Several Deputy Marshals stated that an expansion in the number of investigations that are pursued by United States Attorneys' Offices resulted in more violent federal fugitives sought by the USMS. Two Supervisory Inspectors suggested that the increased number of federal task forces of all types had generated more federal fugitives. Examples of federal task forces cited by the Supervisory Inspectors included the FBI's Violent

<sup>18</sup> The number of state fugitives under investigation by the USMS and still at large could not be determined because, as 52 districts reported in our district survey, districts did not routinely enter state fugitive investigations in WIN when they opened the investigations.

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Crimes Task Forces, the ATF's Project Safe Neighborhoods Task Forces, and the DEA's High Intensity Drug Trafficking Area Task Forces. Another reason for the increased number of violent federal fugitives at large is that the task forces investigated more state fugitives. Since the USMS has the authority to investigate federal and state fugitives anywhere in the United States and outside the country, state and local law enforcement agencies had more incentive to request the USMS task forces' assistance with their violent fugitives. State and local district task force members whom we interviewed stated that working with the USMS increased their effectiveness in apprehending violent fugitives.

### **Factors Limiting the Apprehension of Violent Federal Fugitives**

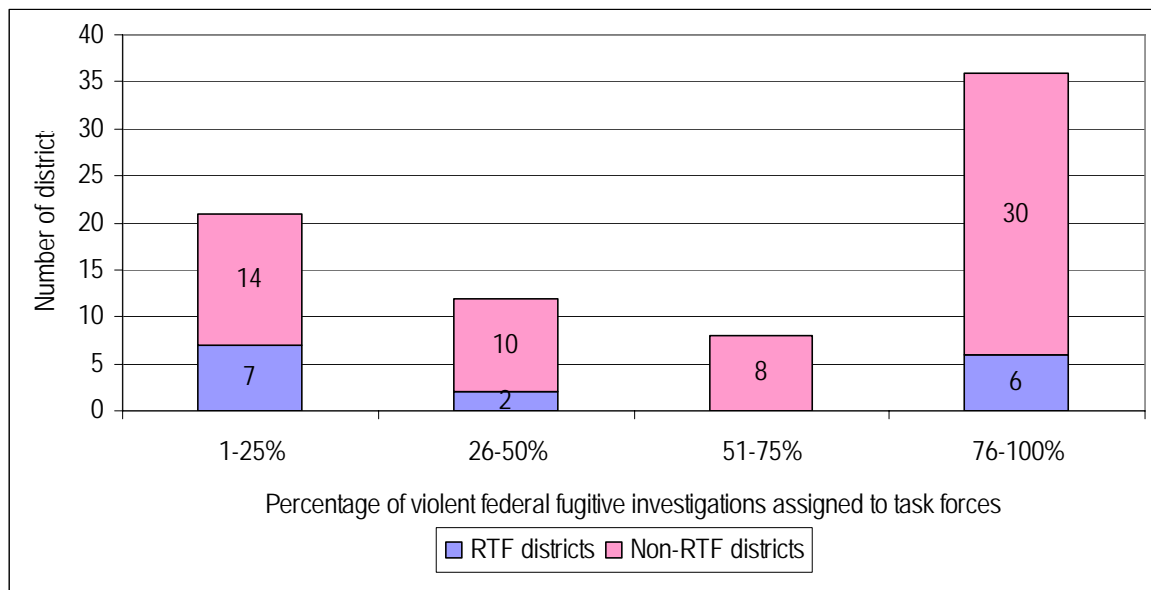
Although we recognized that the increased number of federal fugitives was not fully within the USMS's control, we identified three factors within the USMS's control that also contributed to the increase and limited the effectiveness of the USMS in apprehending violent fugitives. The factors were that not all districts assigned violent federal fugitive investigations to the RTFs and other task forces; the USMS did not ensure that the districts and RTFs focused sufficiently on violent fugitive investigations; and not all districts entered data regarding their state fugitives in WIN when the investigations were opened. By not entering the data, the USMS could not fully assess its progress at apprehending violent fugitives at large.

#### Not All Districts Assigned Violent Federal Fugitive Investigations to Task Forces

We found that many districts did not assign violent federal fugitive investigations to the task forces that operated in their districts. In response to our inquiries, the USMS told us that there were no written USMS guidelines on whether the RTFs, other task forces, or the districts' warrant squads should investigate violent federal fugitives. In the absence of USMS policy, Marshals can decide how to assign violent federal fugitive investigations in their district. Some Marshals did not assign violent federal fugitive investigations to task forces operating in their districts.

Of the 88 districts that responded to our survey, 77 reported that they had RTFs or other task forces operating in their districts. Of those 77 districts, 21 – including 7 RTF districts – reported that they assigned 25 percent or less of their violent federal fugitive investigations to the task forces. Overall, 33 of the 77 districts reported that they assigned 50 percent or less of their violent federal fugitive investigations to the task forces (Chart 8).

**Chart 8: Survey Responses on Assignment of Violent Federal Fugitive Investigations to Task Forces**



Source: OIG District Survey

During our field visits, we interviewed the Marshals and other staff from six of the seven RTF districts that assigned 25 percent or less of their violent federal fugitive investigations to the RTFs. We asked them why they did not assign more violent federal fugitive investigations to the RTFs. Three of the Marshals told us that they did not assign investigations to the RTFs because the districts did not control the RTFs. They believed that the RTF Supervisory Inspectors should be accountable to the Marshals in the districts that they served. Several other USMS personnel stated that a district's lack of control over an RTF could hurt the district's reputation and morale. For example, if Deputy Marshals or state and local personnel assigned to the RTF violate USMS policy and procedures, such actions would reflect poorly on the district.<sup>19</sup> Headquarters officials told us that while the RTF Supervisory Inspectors report administratively to the USMS headquarters Investigative Services Division, they also report operationally to the affected district Marshals and Chiefs. However, we learned during our interviews in the districts that some Marshals and Chiefs had the perception that the RTF Supervisory Inspectors did not report to them operationally.

Three Marshals in other RTF districts stated that they did not assign violent federal fugitive investigations to the RTFs because assigning these

<sup>19</sup> The RTFs are staffed with Investigative Services Division Deputy Marshals on a full-time basis and with district Deputy Marshals who participate on a full-time or part-time basis through rotations from their district assignments.

potentially more complex investigations to the RTFs reduced the opportunity for district Deputy Marshals to develop their investigative skills. One Marshal suggested that all district Deputy Marshals serve a rotation period on an RTF to work on the more complex investigations. Some district Deputy Marshals told the OIG that the assignment of complex violent federal fugitive investigations to the RTF created the perception that they, the district Deputy Marshals, did not have the capability to conduct those investigations. Some Marshals were concerned that this perception could undermine the morale of the district Deputy Marshals.

We found that some of the districts that did not assign their investigations to the task forces were nonetheless assigning their Deputy Marshals to the task forces, thereby reducing the number of Deputy Marshals in the district available to conduct those violent federal fugitive investigations that the district retained. Of the 88 USMS district offices that responded to our survey, 17 districts indicated that the percentage of their Deputy Marshals assigned to a task force was higher than the percentage of their violent federal fugitive investigations assigned to those task forces (Table 3).

**Table 3: Comparison of the Assignment of Deputy Marshals and Violent Fugitive Investigations in 17 Districts**

<b>District</b>	<b>Percentage of Deputy Marshals Assigned to Fugitive Task Forces</b>	<b>Percentage of Violent Federal Fugitive Investigations Assigned to Fugitive Task Forces</b>
A	100	90
B	100	50
C	100	37
D	100	25
E	63	40
F	63	40
G	61	55
H	57	8
I	53	25
J	52	20
K	50	19
L	38	20
M	38	0
N	33	0
O	31	0
P	27	2
Q	25	10

Source: OIG District Survey and Interviews

We asked the Marshals or Chief Deputy Marshals in eight districts that assigned a greater percentage of Deputy Marshals than investigations to task forces why they did so. They stated that they accepted the reduction in the number of Deputy Marshals available to work on their districts’

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violent fugitive investigations because they wanted to help ensure the success of the task forces. These Marshals and Chief Deputy Marshals said that they assigned district Deputy Marshals to the task forces even though the USMS did not have a policy requiring them to do so.

### Focus Not Fully Shifted to Violent Fugitive Investigations

We found another factor limiting the USMS's effectiveness was that the USMS had not adequately changed its focus to apprehending violent fugitives as directed. The Presidential Threat Protection Act of 2000 (Act) directed the creation of fugitive apprehension task forces and, subsequent to passage of the Act, congressional conference reports reflected the encouragement to the Department to focus on apprehending violent federal and state fugitives.<sup>20</sup> In FY 2001, the Department's *FY 2001-2006 Strategic Plan* changed the focus of the USMS fugitive apprehension program from apprehending all federal fugitives to apprehending violent fugitives, both federal and state.<sup>21</sup> One measure of this change in policy was a 40-percent increase in the number of USMS violent fugitive investigations resolved by apprehension of the fugitive or administrative clearance of the warrant from FY 2001 to FY 2004.<sup>22</sup> The number of other fugitives (fugitives not known to be violent) apprehended or cleared increased by 29 percent in that same period. In addition, the USMS significantly expanded its efforts to apprehend violent state fugitives and increased the number of violent state fugitives apprehended by 96 percent from 5,667 in FY 2001 to 11,130 in FY 2004.

However, we also found that the change in focus was limited. Overall, the proportion of apprehensions that involved violent fugitives did not change significantly over the 4-year period – from 32.3 percent in FY 2001 to 32.6 percent in FY 2004 (Chart 9). That indicated that although resources had expanded, the USMS's efforts had not been effectively refocused from all federal fugitives to violent fugitives. We also found that the USMS had not established any performance goals related to the

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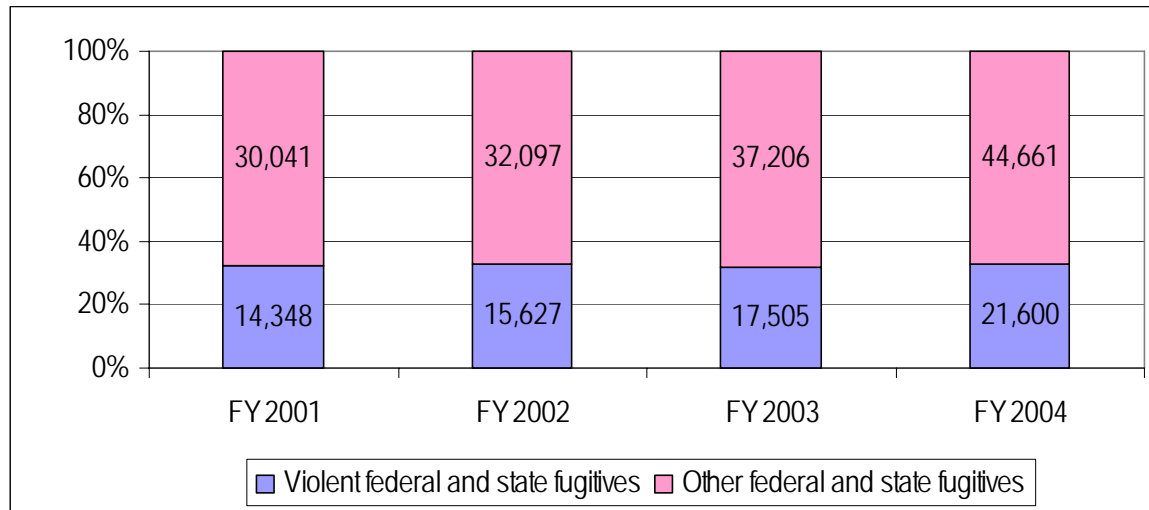
<sup>20</sup> Report No. H.R. 108-401, which accompanied the Department's FY 2004 appropriations (Pub. L. No. 108-199).

<sup>21</sup> The Department's *FY 2000-2005 Strategic Plan*, published in September 2000, focused the Department's apprehension efforts on federal fugitives, and the *FY 2001-2006 Strategic Plan*, published in November 2001 to address the events of September 11, focused the Department's apprehension efforts on violent federal and state fugitives.

<sup>22</sup> "Fugitives apprehended" were those arrested by the USMS, arrested by another agency at the direction of the USMS, or who surrendered. "Fugitives cleared" were those whose warrants were closed by means other than apprehension, such as dismissal of the fugitive's warrant by a federal magistrate or judge.

apprehension of violent federal and state fugitives. Instead, the USMS continued to track and report annually on the number of all federal fugitives apprehended or cleared.

**Chart 9: Federal and State Fugitives Apprehended by the USMS, FY 2001 to FY 2004**



Source: USMS WIN database

The Marshals and Chief Deputy Marshals that we interviewed stated that the USMS was limited in its ability to more rapidly or completely shift focus. They noted, for example, “due diligence” responsibilities that require the USMS to pursue all fugitives whether or not they are known or suspected to be violent.<sup>23</sup> If the USMS does not pursue a fugitive for whom it is responsible, a judge may dismiss the case for lack of a speedy trial when the fugitive is apprehended. We found that the majority of the USMS’s fugitive investigations involved fugitives not known to be violent. Of the 176,753 federal fugitives recorded in WIN for FY 2004, only 34,586 (20 percent) were violent federal fugitives. The USMS’s responsibility to pursue all fugitives limited its ability to fully shift its fugitive apprehension efforts to focus on violent fugitives.

Another factor that limited the USMS’s ability to change its focus was that although the RTFs were established to investigate and apprehend the most violent fugitives, the RTFs did not restrict the state fugitive investigations they accepted to only violent fugitives. We found that 69

<sup>23</sup> “Due diligence” requirements are designed to ensure that a prosecution may proceed under the federal Speedy Trial Act. Under 18 U.S.C. § 3161 (h)(3)(B) the government must be able to demonstrate that a defendant’s whereabouts were unknown either because the defendant was avoiding apprehension or because the defendant’s whereabouts could not be determined after due diligence.



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percent of the RTF districts' state fugitive apprehensions in FY 2004 involved fugitives not known to be violent. To maximize the effectiveness of the RTFs, the USMS encourages its state and local task force partners to bring their violent fugitive investigations to the RTFs. Task force supervisors told us that to encourage this participation, the RTFs accepted a wide range of state fugitive investigations considered important by state and local agencies, rather than insisting that the fugitives investigated by the RTF meet the USMS's definition of a violent fugitive. The supervisors also told us that an investigation may involve circumstances that make a fugitive of particular concern, even though the fugitive was not violent. An RTF Supervisory Inspector cited one example of a fugitive wanted for forgery who created and supplied false identification documents to other fugitives.

#### State Fugitive Investigations Not Entered in WIN

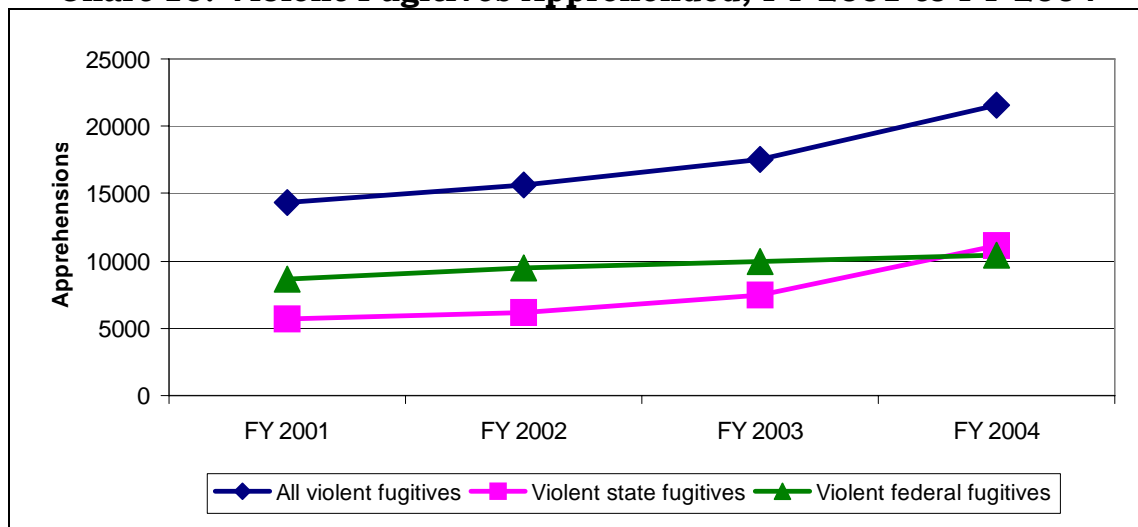
The USMS had no policy requiring that districts enter information regarding state fugitive investigations they accepted in WIN when they opened the investigation. In response to our survey, 52 of 88 districts reported that they did not enter data on their state fugitive investigations into WIN when the investigations were opened. These districts either did not enter state fugitive data in WIN at all, did so after the investigation was closed, or did so only if the investigation required specific USMS assistance. For example, many Deputy Marshals we interviewed stated that they only entered state fugitive information in WIN if they needed Electronic Surveillance Unit assistance or wanted to make the state fugitive a Major Case or Top 15 Most Wanted fugitive. Because the USMS does not record all state fugitive investigations in WIN when the districts open an investigation, it is not able to fully assess its progress at apprehending violent fugitives at large or effectively focus its resources on apprehending violent fugitives.

#### Impact of the Limiting Factors on USMS Fugitive Apprehension Efforts

The three factors described above collectively limited the USMS's efforts to focus its resources on apprehending violent fugitives. We found that the task forces such as the RTFs were significantly more effective and efficient in apprehending violent fugitives because they enabled the USMS to work more closely with state and local law enforcement personnel. The failure to assign violent federal fugitive investigations to the task forces while continuing to assign district personnel to the task forces meant that there were proportionally fewer resources to conduct the violent federal fugitive investigations in those districts. Consequently, the USMS achieved a much greater increase in its apprehensions of violent state fugitives and a less significant increase in apprehensions of violent federal fugitives. From FY 2001 through FY 2004, violent federal fugitive apprehensions increased

by 21 percent, while apprehensions of violent state fugitives increased by 96 percent (Chart 10).

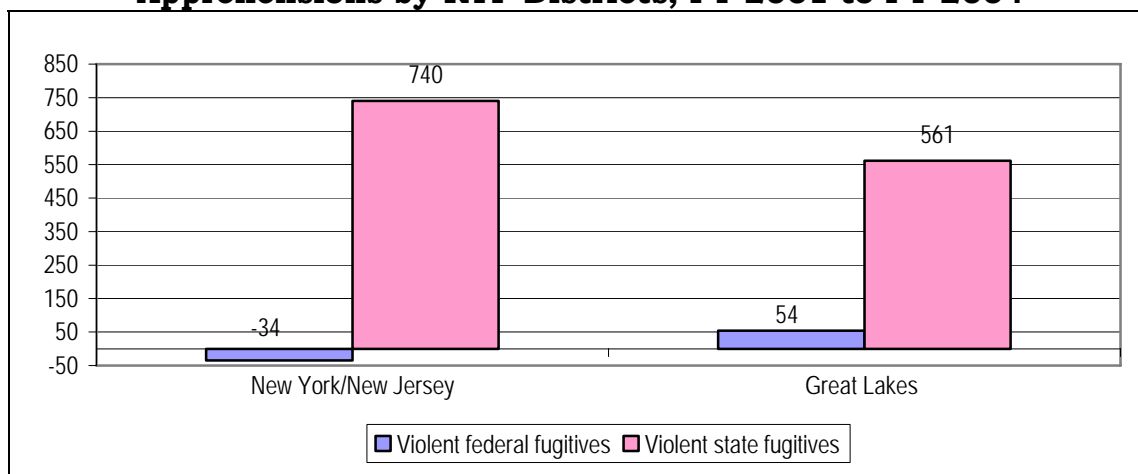
**Chart 10: Violent Fugitives Apprehended, FY 2001 to FY 2004**



Source: USMS WIN database

The impact of failing to assign violent federal fugitive investigations to task forces is clearly demonstrated by the differing results achieved by the RTF districts. Because not all USMS district offices assigned their violent federal fugitive investigations to the RTFs, and because some RTFs accepted state investigations of fugitives not considered violent to encourage state participation, apprehensions of violent federal fugitives in some RTF districts actually declined. This was demonstrated by the differing results achieved by the New York/New Jersey and the Great Lakes RTF districts. The New York/New Jersey RTF districts increased only their violent state fugitive apprehensions during the 4-year period under review, while the Great Lakes RTF districts improved their performance in both violent federal and state fugitive apprehensions (Chart 11).

**Chart 11: Percentage Change in Federal and State Violent Fugitive Apprehensions by RTF Districts, FY 2001 to FY 2004**



Source: USMS WIN database

Both the New York/New Jersey and Great Lakes RTF districts increased their apprehensions of violent state fugitives by more than 500 percent. Although the districts that made up the New York/New Jersey RTF sometimes requested the RTF's assistance in fugitive investigations, they did not routinely use the RTF to conduct their violent federal fugitive investigations. In addition, Deputy Marshals assigned to the RTF brought with them their ongoing fugitive investigations (although the fugitives in these investigations were not always classified as violent). As a result, the number of violent federal fugitives apprehended in the New York/New Jersey RTF districts declined by 34 percent from FY 2001 to FY 2004.

In contrast, the districts that made up the Great Lakes RTF assigned most of their violent federal fugitive investigations to the RTF. As a result, the Great Lakes RTF districts achieved a 54-percent increase in apprehensions of violent federal fugitives from FY 2001 to FY 2004. The Marshals in these districts stated that they gave priority to the violent federal warrants of the districts and sent the more serious, complicated warrants to the RTF for investigation.

#### USMS Has Initiated Action to Better Manage Task Forces

The USMS Investigative Services Division personnel told us that the USMS is aware of the need for standardization and improvement of its task force operations and it is currently working on Standard Operating Procedures to direct task force operations. However, our review of the minutes of the March 2005 USMS Chief's Investigative Advisory Board meeting indicated that the proposed Standard Operating Procedures do not

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address how violent federal fugitive investigations will be assigned to the task forces.<sup>24</sup> The minutes indicate that the USMS is considering directing the districts to enter violent state fugitives into WIN when an investigation is opened. However, the proposed Standard Operating Procedures allow for certain investigations not meeting the “violent fugitive” criteria to be accepted by the RTFs and the districts, but not entered in WIN until they are closed. If the USMS does not record all state fugitive investigations in WIN when the districts open the investigation, it will not be able to fully assess its progress at apprehending fugitives at large or assess the impact of accepting investigations not classified as violent on the performance of its fugitive apprehension program.

The USMS headquarters staff also is studying ways to improve coordination between the RTFs and the districts they serve, and to balance the number of federal and state fugitive investigations. The participants at the March 2005 Chief’s Investigative Advisory Board meeting suggested the creation of coordinating committees that would include the Marshals and RTF supervisors in RTF districts. These committees would meet quarterly to facilitate coordination between the RTFs and districts and improve communication between the RTF and district supervisors.

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<sup>24</sup> The Chief’s Investigative Advisory Board is made up of senior career Deputy Marshals from selected districts. The Board, which meets several times a year, provides a field perspective on the development of policies and procedures relating to the apprehension of fugitives.

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## CONCLUSION AND RECOMMENDATIONS

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The performance of the USMS in apprehending violent fugitives improved significantly from FY 2001 to FY 2004. The number of violent fugitives apprehended by the USMS and its state and local partners increased by 51 percent from 14,348 fugitives in FY 2001 to 21,600 fugitives in FY 2004. The number of violent fugitives apprehended per staff year also increased from 18 violent fugitives per staff year in FY 2002 to 21 violent fugitives per staff year in FY 2004. The improvement achieved by the USMS fugitive apprehension program represented a significant contribution to the Department's efforts to reduce crime and improve public safety.

Our analysis showed two main reasons for the increases in the number of violent fugitives apprehended. First, the USMS increased the staff years it devoted to fugitive apprehensions by 21 percent, from 911 in FY 2002 to 1,104 in FY 2004, and became more efficient in its apprehensions. Second, Congress directed and the USMS created five RTFs, which were effective in increasing fugitive apprehensions.

Notwithstanding these results, the number of violent federal fugitives at large increased by 3 percent from FY 2001 to FY 2004. We found several factors not within the USMS's control that accounted for the increase in violent federal fugitives at large. The number of violent federal fugitives sought by the USMS increased because the increased number of federal task forces throughout the country generated more federal fugitives. We also found that the USMS investigated more federal fugitives referred from other federal agencies, and that state and local law enforcement agencies requested more assistance from the USMS in apprehending fugitives.

We also identified three other factors, each within the USMS's control, which contributed to the increase in the number of violent federal fugitives at large. These factors were that not all districts assigned violent federal fugitive investigations to the task forces; the USMS did not fully change its focus from apprehending all federal fugitives to apprehending violent fugitives; and most districts did not enter data regarding their state fugitive investigations in WIN when the investigations were opened so that the USMS could fully assess its progress at apprehending violent fugitives at large. By addressing these factors, we believe the USMS can improve its apprehension of violent fugitives and reduce the number of violent fugitives at large.

The Department has proposed the creation of six additional RTFs. Our analysis of the fugitive apprehension data from the districts that make up the five existing RTFs compared to the non-RTF districts indicates that

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the six new RTFs can be expected to apprehend more violent fugitives, and we believe the creation of new RTFs is warranted. However, to maximize the effectiveness of the RTFs and the fugitive apprehension program in general, we believe that the USMS needs to consistently assign violent federal fugitive investigations to the RTFs and focus more on apprehending violent fugitives.

To further improve the USMS's effectiveness in apprehending violent fugitives and begin to reduce the number of violent federal fugitives at large, we recommend that the USMS:

1. Establish goals and measures to track the USMS's performance in apprehending violent fugitives and its progress in reducing the number of violent fugitives at large.
2. Require districts to enter state fugitive investigations in WIN when the investigations are opened by the USMS.
3. Establish criteria for districts to ensure that violent federal fugitive investigations are assigned to the RTFs and other task forces.
4. Analyze WIN data to ensure that the districts appropriately focus on violent federal and state fugitive investigations.
5. Consider creating the six RTFs proposed in the Department's October 2004 *Fugitive Apprehension Report*.

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## APPENDIX I: METHODOLOGY

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We examined the performance of Deputy Marshals working individually or as members of warrant squads, district fugitive task forces, or Regional Task Forces in apprehending federal and state violent fugitives from Fiscal Year 2001 to FY 2004, as well as the reasons for any differences in performance. We did not separately analyze the performance of the proposed RTFs listed in the Department's October 2004 *Fugitive Apprehension Report* because the Assistant Director for the Investigative Services Division told us that he would eventually like all 94 districts to be included in RTFs. Therefore, we considered all districts currently not part of an RTF as a single group.

We conducted interviews with officials in United States Marshals Service headquarters – the Assistant Director and other personnel within the Investigative Services Division, as well as personnel within the Analytical Support Unit and the Management and Budget Division. To examine the differences in the various approaches to fugitive apprehension in the district offices, we visited 12 of the 15 districts that are part of the 5 RTFs, as well as 5 districts that are not part of an RTF. In each district, we interviewed the Marshal and Chief Deputy Marshal (when available), warrant squad supervisor (when available), Task Force Supervisory Inspector and Inspectors (if applicable), Deputy Marshals involved with the Electronic Surveillance Unit and the Financial Surveillance Unit, the WIN data administrator, and Deputy Marshals involved in fugitive investigations. We also interviewed representatives from other federal, state, and local agencies who worked with the districts and RTFs to investigate and apprehend fugitives. The districts and RTF offices we visited were:

**New York/New Jersey RTF:**

- District of New Jersey (Newark)
- Southern district of New York (Manhattan)
- Eastern district of New York (Long Island)

**Pacific Southwest RTF:**

- Central district of California (Los Angeles)
- Southern district of California (San Diego)

**Great Lakes RTF:**

- Northern district of Illinois (Chicago)
- Northern district of Indiana (Hammond)

**Southeast RTF:**

- Northern district of Georgia (Atlanta)
- Middle district of Georgia (Macon)

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**Capital Area RTF:**

- District of Columbia – District Court and Superior Court
- District of Maryland (Greenbelt and Baltimore)
- Eastern district of Virginia (Springfield)

We also conducted site visits in the following five districts:

- District of Massachusetts (Boston)
- District of Connecticut (New Haven)
- District of Rhode Island (Providence)
- Middle district of Florida (Orlando)
- Southern district of Florida (Miami)

WIN Analysis. To analyze the USMS fugitive apprehension program from FY 2001 through FY 2004, we examined data from the Warrant Information Network database. We examined all warrants that were closed on or after September 30, 2000, and that were received on or before October 1, 2004. According to the Department's FY 2004 Performance Report, the USMS compares information contained in WIN to a random sample of the Federal Bureau of Investigation's National Crime Information Center records to verify the accuracy of the information. USMS headquarters also coordinates with districts to verify that warrants are validated against the signed paper records. In addition to the internal check of the WIN data, the OIG conducted an audit of WIN in November 2002 in accordance with the Government Information Security Reform Act.<sup>25</sup> This audit assessed the management, technical, and operational controls that protected WIN data from unauthorized use, loss, or modification. The OIG found significant vulnerabilities and made 28 recommendations to improve the security of the WIN database. Currently, the one recommendation that is still open is that the USMS enforce "Department-wide identification and authentication policies and ensure that only authorized personnel can login to the system."

Staff Year Analysis. To analyze the time spent by the USMS on fugitive investigations, we reviewed time and attendance data recorded by USMS personnel on the standard USM-7 form used by all USMS personnel to record the time spent on USMS duties, such as fugitive investigation, court operations, and prisoner transportation. Personnel assign their time to specific project codes. For example, if a Deputy Marshal investigated a federal felony fugitive for 3 hours, the time would be recorded under the appropriate federal felony project code.

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<sup>25</sup> Independent Evaluation Pursuant to the Government Information Security Reform Act Fiscal Year 2002, The United States Marshals Service's Warrant Information Network I-2003-03 (November 2002).



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We requested data from the USM-7 database for all fugitive investigation time for FY 2001 through FY 2004. However, the USMS could provide data only from FY 2002 through FY 2004. We also received a USM-7 project code guide, which contained a list of project code definitions. For the purposes of our review, we used data entered under project codes related to federal felony warrants, federal non-felony warrants, state warrants, RTF assignments, and other administrative functions. We eliminated project codes that were not relevant to our review or that were not related to fugitive investigations (such as project codes related to court security services). Besides time recorded by personnel in the 94 districts, the USM-7 database captures time recorded by USMS headquarters personnel as spent on fugitive investigations. We allocated this headquarters time to each of the districts based on the proportion of the district's fugitive apprehension efforts to the overall USMS fugitive apprehension efforts.

We calculated staff years by dividing the number of hours worked in a particular district or grouping of districts by 2,087 hours (the Office of Personnel Management equivalent of one "full time equivalent" work year). We did not calculate staff years allocated for state or federal fugitive investigations separately because the USM-7 data does not distinguish whether the time spent by Deputy Marshals on an RTF was for a federal or state fugitive investigation.

We did not test the validity of the USMS time and attendance records. However, the USMS internally verifies USM-7 data each year, using a USMS budget model to identify anything out of the ordinary reported by the districts. The Management and Budget Division relies on district supervisors to verify the accuracy of the USM-7 forms before forwarding them to headquarters, and the Office of Inspections also conducts random compliance reviews to ensure that personnel comply with USM-7 policy, such as obtaining the proper supervisory signatures. No external audits have been conducted on USM-7 data.

Electronic Surveillance Unit Database Analysis. To analyze the involvement of Electronic Surveillance Unit personnel in fugitive investigations, we reviewed the database that tracks the unit's assistance with fugitive investigations and types of surveillance operations. We examined the number of fugitive investigations in which Electronic Surveillance Unit personnel assisted, as well as the number of arrests that resulted from this assistance. We were unable to determine from the database whether records pertained to federal or state fugitive investigations, or whether the investigations originated from a district or a task force. In October 2004, the Electronic Surveillance Unit added new

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variables to its database to track who requested assistance and whether the investigation involved a federal or state fugitive.

Electronic Surveillance Unit personnel stated that they conducted an annual check of WIN to verify the Electronic Surveillance Unit database numbers and to validate the number of arrests and arrest dates. We did not test the validity of the database.

District Survey. To learn more about each district's fugitive operations, we surveyed each of the 94 USMS district offices. We received responses from 88 of the 94 (93.6 percent) district offices.

The survey contained 19 questions regarding the following:

- Allocation of Deputy Marshals among RTFs, district task forces, warrant squads, and other;
- Types of fugitive investigations conducted and by what entity;
- How districts prioritized investigations and decided who would investigate the various types of fugitives;
- Fugitives wanted by other federal components and agencies;
- Collateral leads sent and received;
- Assistance from the Electronic Surveillance Unit and the Financial Surveillance Unit;
- Satisfaction with fugitive apprehension efforts;
- WIN data entry; and
- Open-ended questions regarding possible improvements or changes needed in the fugitive apprehension program.

We used the responses from the survey to further understand the fugitive apprehension process, to verify information gathered during our interviews, and to increase our understanding about districts that we did not visit.

## **Definitions**

In WIN, fugitive warrants are divided into general categories, as shown in Table 4. In our analysis, one warrant equals one fugitive, even if one fugitive had multiple warrants.

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**Table 4: Category and Types of Federal Warrants**

Category of Warrant	Types of Warrants within Each Category
Class I felony	Escape
	Bond violation
	Parole violation
	Probation violation
	Agency without arrest power
	Other
	Foreign fugitive
	Other referred
	Drug Enforcement Administration referred
Class II non-felony	Traffic warrant
	Misdemeanor warrant
Class II felony	Other federal agency with arrest authority
Other	State or local warrant

Federal Felony Fugitives. We defined federal felony fugitives as those with Class I or Class II felony warrants.

Federal Non-Felony Fugitives. We defined federal non-felony fugitives as those with Class II non-felony warrants.

Violent Federal Fugitives. We defined violent federal fugitives as those fugitives who were designated in WIN as a 15 Most Wanted, Major Case, or Category 1 fugitive. (A Category 1 fugitive is one whose underlying or current offense is homicide, kidnapping, assault, aggravated assault, robbery, arson, an “over-the-wall” escape, or involves weapons or explosives.) Violent federal fugitives can be either Class I or Class II.

State Fugitives. We defined state fugitives as those with a state or local warrant. Some local jurisdictions, most notably the cities of Chicago and New York, conduct state fugitive investigations based on probable cause rather than a warrant. The USMS Deputy Marshals sometimes participated in these investigations, but we included these fugitive investigations only if the USMS entered a subsequently obtained warrant in WIN.

Violent State Fugitives. We defined violent state fugitives as those fugitives whose underlying or current offense was one used to designate a federal fugitive as a Category 1 fugitive. The offenses include homicide, kidnapping, assault, aggravated assault, robbery, arson, an over-the-wall escape, or an offense involving weapons or explosives.

Fugitives Apprehended. We defined fugitives apprehended as ones who were physically arrested by the USMS, who were arrested by another agency under the direction of the USMS (directed arrest), or who surrendered to the USMS or another agency.

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Fugitives Cleared. We defined fugitives cleared as ones whose warrants were closed by means other than apprehension by the USMS, as defined above. This includes warrants cleared through arrests by other agencies, lodged detainers, dismissals, the return of the warrants to the originating agency, or the purging of the warrants.

Clearances or Apprehensions by RTFs. Although WIN contains a field that captures whether a district task force or RTF apprehended a fugitive, we learned that USMS personnel did not consistently enter data in this field when a task force was involved. Therefore, we analyzed RTF performance based on the districts that constituted the RTFs as a whole (for example, the Pacific Southwest RTF comprises the Southern and Central districts of California). Any analysis regarding fugitives cleared or apprehended is based on the performance of the districts participating in the RTFs because we could not analyze individual RTFs' performance separately from that of the districts in which they operated.

Fugitives at Large. We defined fugitives at large in a particular fiscal year as those fugitives in WIN whose warrants were open at the end of the fiscal year, regardless of when the warrant was opened.

Apprehensions per Staff Year. We divided the number of apprehensions of fugitives by the staff years applied to fugitive apprehension by a given group of districts. For example, for federal fugitives, we divided federal apprehensions in a group of districts in 1 year by total staff years applied to fugitive apprehension in that same group of districts. If a group of districts apprehended 100 federal fugitives and devoted 10 staff years to fugitive apprehension in 1 year, then that group of districts apprehended 10 federal fugitives per staff year. This measure captures the number of fugitives apprehended per staff year.

Average Number of Days for Fugitive Arrest. Prior to FY 2002, the Department measured the performance of the USMS fugitive apprehension program by "the average number of days for fugitive arrest" for Major Case fugitives and described the public benefit as follows: "The quicker a fugitive is captured; the less the public is exposed to further risk of crime." The Department discontinued this measure in FY 2002 because "a warrant can become a major case at any point in its investigation, [so] the age of the warrant can dramatically skew the overall average number of days for fugitive arrest in the major case category." The USMS never applied this now abandoned measure to all violent federal fugitive investigations.

To determine whether the average number of days for fugitive arrest was a useful measure at all, we calculated the average number of days between the issuance of a warrant and the closure of the warrant from FY

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2001 to FY 2004 for violent federal fugitives. We found that the average number of days that violent federal fugitives remained at large before apprehension varied from 111 to 113 days, even though half were apprehended within 12 days. Marshals and Deputy Marshals we interviewed told us that they often apprehend the newest fugitives first, or as one RTF Supervisory Inspector stated, “while the trail is still warm.” Even though half of the violent federal fugitives were apprehended within 12 days, some remained at large for years. These investigations that span years explain why the average number of days for fugitive arrest is so much larger than the median of 12 days. The average time violent federal fugitives remain at large will not change significantly until the backlog of long-term fugitives is reduced. We agree with the Department’s conclusion that the average number of days for a fugitive arrest is not currently a useful measure of the performance of the USMS fugitive apprehension program and did not include this analysis.

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## APPENDIX II: DISTRICT QUESTIONNAIRE

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The Department of Justice Office of the Inspector General (OIG), Evaluations and Inspections Division is conducting a nationwide evaluation of the Fugitive Investigations Program managed by the United States Marshals Service (USMS). As part of that review, we are conducting this survey of USMS districts to obtain input regarding the fugitive investigation efforts in your district, as well as any opportunities you see for improvement.

Your input is very important to us, and we are counting on you to respond openly to the questions provided. We also value your narrative comments, and we encourage you to include them.

### Questionnaire Information

Name:  
Title:  
District:  
Years Served in the USMS:  
Years Served in this District:  
Phone:  
Fax:  
E-Mail:

**PLEASE NOTE:** For purposes of this questionnaire, the term “fugitive investigation” is defined as the effort to apprehend one fugitive, regardless of the number of warrants for that fugitive or the number of fugitives apprehended during one investigation.

**DIRECTIONS:** This survey should be completed by the Marshal, the Chief Deputy Marshal, the Assistant Chief Deputy Marshal responsible for fugitive investigations, or the warrant squad supervisor. Unless otherwise noted, please answer the following questions as they relate to operations **in your district, including all sub-offices**. For questions regarding specific numbers, please answer to the best of your ability. If you are unable to provide specific numbers in certain sections, please indicate why. For those questions for which you cannot provide data, we will attempt to obtain the information from USMS-wide databases.

To answer this questionnaire electronically, please click your cursor in the appropriate area and type your response. After you have completed the questionnaire, please save the document and e-mail it as an attachment to the following address: [District.Survey@usdoj.gov](mailto:District.Survey@usdoj.gov). If you prefer, you may print out the questionnaire, fill it out manually, and mail or fax it to the following:

USMS Fugitive Investigations Questionnaire  
U.S. Department of Justice  
Office of the Inspector General (E&I)  
1425 New York Avenue, N.W.  
Suite 6100  
Washington, DC 20530  
FAX: 202-616-4584

## I. PERSONNEL INVOLVED IN FUGITIVE INVESTIGATIONS

### DEFINITIONS:

- **USMS regional fugitive task force (RFTF):** Task forces created by the Presidential Threat Protection Act of 2000. They include the New York/New Jersey RFTF, the Pacific Southwest RFTF, the Great Lakes RFTF, the Southeast RFTF, and the Capital Area RFTF.
- **USMS district fugitive task force:** Task force led by USMS district personnel within a district.
- **Other fugitive task force not led by USMS:** Task force in which the USMS participates, but that is led by another law enforcement agency. For example, an FBI-led Violent Crimes Task Force, or a DEA-led HIDTA Task Force.
- **District warrant squad:** Entity within district that investigates fugitives, but not as part of any task force.
- **Other deputy marshals:** Deputy marshals within district who conduct fugitive investigations as one of several duties, but who are not members of a warrant squad or any task force.

1. For each question in the left column of the table, please respond based on the entity listed in the top row. If your district does not have a particular entity, please enter "N/A." Your answers should reflect your current operations.

	USMS regional fugitive task force	USMS district fugitive task force	Other fugitive task force not led by USMS	USMS district warrant squad	Other deputy marshals
1a. If your district is included in an RFTF, how many Investigative Services Division personnel from USMS Headquarters are assigned to the RFTF in your district?					
1b. How many district deputies are normally assigned full time?					
1c. If the positions are rotational for the full-time deputies, how long is each of the rotations?					
1d. How many district deputies are normally assigned part time (i.e., they also perform other duties such as judicial security or prison transportation)?					
1e. If the positions are rotational for the part-time deputies, how long are each of the rotations?					

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## II. TYPES OF FUGITIVE INVESTIGATIONS CONDUCTED

### DEFINITIONS:

- **Violent federal Class I warrants:** Warrants for fugitives for which the USMS has primary apprehension responsibility and which involve fugitives with criminal histories or investigations of violent crimes; fugitives wanted for “over-the-wall” escapes as distinguished from camp or halfway-house escapes; or fugitives wanted on DEA-initiated warrants for DEA Class 1 and 2 offenders and other DEA serious offenders.
- **Non-violent federal Class I warrants:** All other Class I warrants not included in category above.
- **Federal Class II felony warrants:** Felony fugitives for which another law enforcement agency has primary apprehension responsibility.
- **Federal Class II non-felony warrants:** Misdemeanor and traffic warrants for which the USMS has primary apprehension responsibility.
- **State and local warrants:** Warrants originating from a local or state law enforcement agency.
- **Collateral leads:** Information from another USMS district or from an RFTF regarding a fugitive who has fled to your district.

2. For fiscal year 2004, please estimate to the best of your ability the percentage of fugitive investigations in your district that were conducted by the following entities. If your district does not have a particular entity, please enter “N/A” for the entire column. Row percentages should add up to 100 percent.

	USMS regional fugitive task force	USMS district fugitive task force	Other fugitive task force not led by USMS	USMS district warrant squad	Other deputy marshals	TOTAL
2a. Violent federal Class I warrants						100%
2b. Non-violent federal Class I warrants						100%
2c. Federal Class II felony warrants						100%
2d. Federal Class II non-felony warrants						100%
2e. State and local warrants						100%
2f. Collateral leads received from another USMS district						100%
2g. Collateral leads received from a USMS RFTF						100%



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**3a. Please describe how your district determines which fugitive investigations are assigned to the USMS regional fugitive task force.** (If not applicable, please write “N/A”.)

**3b. Please describe how your district determines which fugitive investigations are assigned to the USMS district fugitive task force.** (If not applicable, please write “N/A”.)

**3c. Please describe how your district determines which fugitive investigations are assigned to another fugitive task force not led by the USMS.** (If not applicable, please write “N/A”.)

**3d. Please describe how your district determines which fugitive investigations are assigned to the USMS district warrant squad.** (If not applicable, please write “N/A”.)

**3e. Please describe how your district determines which fugitive investigations are assigned to deputy marshals not assigned to a district warrant squad or task force.** (If not applicable, please write “N/A”.)

**3f. Please explain how your district prioritizes between federal fugitive investigations and state and local fugitive investigations.** (If not applicable, please write “N/A”.)

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### III. INVESTIGATIONS OF FUGITIVES

**4.** For the following fiscal years, please indicate the total number of Class I DEA fugitives for which your district held the warrant:

	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Number of DEA fugitives				

**5.** For the following fiscal years, please indicate the number of Class I DEA fugitives for which the DEA transferred primary apprehension responsibility to the USMS using the DEA Form-202:

	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Number of DEA fugitives				

**6.** For the following fiscal years, please indicate the number of Class II federal felony fugitive investigations that your district conducted for each of the following law enforcement agencies that had primary apprehension responsibility.

	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
6a. Federal Bureau of Investigation				
6b. Bureau of Alcohol, Tobacco, Firearms and Explosives				
6c. U.S. Secret Service				
6d. Housing and Urban Development				
6e. Social Security Administration				
6f. Immigrations and Customs Enforcement and Customs and Border Protection (in Department of Homeland Security)				
6g. Other Agency:				
6h. Other Agency:				
6i. Other Agency:				
6j. Other Agency:				

\* Formerly Immigration and Naturalization Service

\*\* Formerly U.S. Customs Service and U.S. Border Patrol

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7. For the following fiscal years, please indicate the number of collateral leads that you received from other USMS districts:

	FY 2001	FY 2002	FY 2003	FY 2004
Number of collateral leads from other USMS districts				

8. For the following fiscal years, please indicate the number of collateral leads that you received from a USMS RFTF:

	FY 2001	FY 2002	FY 2003	FY 2004
Number of collateral leads from USMS RFTFs				

9. For the following fiscal years, please indicate the number of fugitive investigations conducted by your district of state or local fugitives:

	FY 2001	FY 2002	FY 2003	FY 2004
Number of state or local fugitive investigations				

#### IV. TECHNICAL ASSISTANCE FOR FUGITIVE INVESTIGATIONS

10. For the following fiscal years, please indicate the number of fugitive investigations conducted by your district for which you obtained assistance from the Technical Operations Group (TOG) (i.e., Electronic Surveillance Unit).

	FY 2001	FY 2002	FY 2003	FY 2004
Number of fugitive investigations that included assistance from TOG				

11. For FY 2004, please indicate the number of fugitive investigations conducted by your district for which you obtained assistance from the Financial Surveillance Unit, which provides financial investigative tools to apprehend fugitives.

12. Which of the following statements best describes how your district enters state and local fugitive investigations into the WIN database? Check one

- ☐ Our district does not enter state and local fugitive investigations into WIN.
- ☐ Our district enters state and local fugitive investigations into WIN when the investigations are opened.
- ☐ Our district usually enters state and local fugitive investigations into WIN when the investigations are closed, **unless** we need an FID number from WIN to facilitate the investigation.
- ☐ Our district enters state and local fugitive investigations into WIN when the investigations are closed.

**13.** What district codes are used to identify your district, its sub-offices, and any task force locations when entering data into WIN?

<b>Code</b>	<b>Description of district, sub-office, or task force location represented by the code</b>
053	Eastern district of New York – Brooklyn location
A53	Eastern district of New York – Islip sub-office
N53	Eastern district of New York – Regional fugitive task force office

**14.** What task force codes are used to identify any task forces in your district when entering data into WIN?

<b>Code</b>	<b>Description of district, sub-office, or task force represented by the code</b>
NYRT	New York/New Jersey regional fugitive task force
NETF	New England task force (in District of Massachusetts)

## **V. CONCLUSION**

**15.** How satisfied are you with the fugitive apprehension efforts of the following (check one in each row):

	<b>Very Satisfied</b>	<b>Somewhat Satisfied</b>	<b>Somewhat Dissatisfied</b>	<b>Very Dissatisfied</b>	<b>Not Applicable</b>
<b>15a. Regional fugitive task force</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15b. USMS district task force</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15c. Other task force not led by USMS</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15d. USMS district warrant squad</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15e. Other deputy marshals</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15f. District's efforts overall</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**16. Please explain below your satisfaction or dissatisfaction with fugitive apprehension efforts:**

**17. Please list below any improvements or changes that you would like to see in your district's fugitive apprehension efforts:**

**18. Please list below what you believe works best in your district regarding its fugitive apprehension efforts:**

**19. If you have any other comments regarding the fugitive apprehension efforts in your district, please include them below:**

***Thank you again for your time and assistance with this questionnaire.***

## APPENDIX III: USMS'S RESPONSE TO DRAFT REPORT

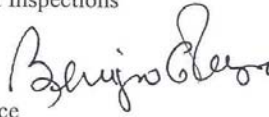


U.S. Department of Justice  
United States Marshals Service  
*Office of the Director*

Washington, DC 20530-1000

July 5, 2005

**MEMORANDUM TO:** Paul A. Price  
Assistant Inspector General  
for Evaluation and Inspections

**FROM:** Benigno G. Reyna   
Director  
U.S. Marshals Service

**SUBJECT:** Review of the United States Marshals Service's  
Apprehension of Violent Fugitives,  
Assignment Number A-2004-012

The following is in response to your memo dated June 13, 2005 regarding the OIG's recommendations to further improve the USMS's effectiveness in apprehending violent fugitives and to reduce the number of violent federal fugitives at large:

**Recommendation 1:**

**Establish measures and goals to track the USMS's performance in apprehending violent fugitives and its progress in reducing the number of violent fugitives at large.**

**USMS Response: (Agree)** The USMS will develop performance standards and measures of its progress in apprehending violent fugitives and in reducing the number of violent fugitives at large. The USMS will develop these measures through deliberation with the Investigative Services Division's (ISD) Chief's Investigative Advisory (CIA) Committee and the Management and Budget Division. Completion date for these measures is set for October 1, 2005. Measures to fully evaluate performance in apprehending violent state fugitives will be contingent on accomplishing recommendation 2.

**Recommendation 2:**

**Require districts to enter state fugitive investigations in WIN when the investigations are opened by the USMS.**

**USMS Response: (Agree)** We agree that to fully assess our progress in apprehending violent fugitives, districts must enter state fugitive investigations into WIN as investigations are opened by the USMS. Currently, the Chief's Investigative Advisory

(CIA) Committee is evaluating this policy change and will be providing recommendations regarding the entry of state fugitive investigations into WIN. Procedural guidelines and policy will be developed to address this issue by October 1, 2005. We recognize that, as referenced in Chart 2 and Chart 3 of the OIG report, workload has increased while administrative staff, essential for entering all state cases into WIN, has decreased. Administrative positions, essential to accomplishing this recommendation, will be requested. Implementation of a new policy may be contingent on additional resources.

**Recommendation 3:**

**Establish criteria for districts to ensure that violent federal fugitive investigations are assigned to the RFTFs and other task forces.**

**USMS Response: (Agree)** The USMS agrees that establishing criteria for the referral of violent federal fugitive cases to RFTFs and other task forces is necessary. The CIA Committee is in the process of evaluating policies and procedures regarding assignment of cases to RFTFs and other task forces, and will be providing recommendations to ISD by October 1, 2005. The goal is to develop policy regarding the assignment of cases to task forces procedurally to ensure that violent federal fugitive cases are investigated in the most efficient and effective manner. The procedural and policy guidance will reflect that violent federal fugitive cases, to include collateral leads, will be assigned to RFTF's and district task forces in furtherance of the USMS national task force network.

**Recommendation 4:**

**Analyze WIN data to ensure that the districts appropriately focus on violent federal and state fugitive investigations.**

**USMS Response: (Agree)** The Marshals Service conducts analyses using WIN data for a variety of reasons including focus on violent offenders. However, improvements to ensure that districts appropriately focus on violent federal and state fugitive investigations may be made by incorporating the performance measures discussed in recommendation #1 and some other pertinent information into a new WIN report with a built-in analysis easily retrievable by districts and headquarters to chart progress in this regard. However, until recommendation #2 is resolved, the report will not fully inform in some areas concerning state and local warrants. Requirements for this report will be developed and submitted to the Information Technology Division as a request for programming by October 1, 2005. The completion of the task will depend on Information Technology Division priorities at the time of submission. However, based on current scheduling, we estimate that the report could be completed by December 1, 2005.

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**Recommendation 5:**

**Consider creating the six RFTFs proposed in the Department's October 2004 *Fugitive Apprehension Report*.**

**USMS Response (Agree):** The USMS has requested and will continue to request appropriations for staffing and funding to create additional RFTFs.



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## APPENDIX IV: OIG ANALYSIS OF USMS'S RESPONSE

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On June 13, 2005, the Office of the Inspector General (OIG) sent copies of the draft report to the United States Marshals Service (USMS) with a request for written comments. The USMS responded to us in a memorandum dated July 5, 2005.

### **USMS Response**

The USMS agreed with the five OIG recommendations to further improve the USMS's effectiveness in apprehending violent fugitives and reducing the number of violent federal fugitives at large. The USMS's response also described the actions it has taken and plans to take to implement the recommendations.

### **OIG Analysis of the USMS Response**

The actions undertaken and planned by the USMS to improve the USMS's effectiveness in apprehending violent fugitives and to reduce the number of violent federal fugitives at large are responsive to our recommendations.

### **RECOMMENDATIONS**

**Recommendation 1:** Establish measures and goals to track the USMS's performance in apprehending violent fugitives and its progress in reducing the number of violent fugitives at large.

Summary of USMS Response. The USMS agreed with the recommendation and will develop performance standards and measures of its progress in apprehending violent fugitives and reducing the number of violent fugitives at large by October 1, 2005.

OIG Analysis. Recommendation 1 is Resolved – Open. The actions planned by the USMS to develop performance standards and measures are responsive to our recommendation. Please provide a copy of the performance standards and measures by November 1, 2005.

**Recommendation 2:** Require districts to enter state fugitive investigations in the Warrant Information Network (WIN) when the investigations are opened by the USMS.

Summary of USMS Response. The USMS agreed with the recommendation and stated that to fully assess its progress in

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apprehending violent fugitives, districts must enter state fugitive investigations into WIN as investigations are opened. Also, the USMS stated that additional administrative resources are required for entering all state fugitives into WIN. The USMS will develop procedural policy and guidelines regarding the entry of state fugitives into WIN by October 1, 2005.

OIG Analysis. Recommendation 2 is Resolved – Open. The actions planned by the USMS to develop procedural policy and guidelines and to request additional administrative resources to ensure that state fugitive investigations are entered into WIN when investigations are opened are responsive to our recommendation. Please provide a copy of the procedures and of all requests for additional resources by November 1, 2005.

**Recommendation 3:** Establish criteria for districts to ensure that violent federal fugitive investigations are assigned to the Regional Fugitive Task Forces (RTF) and other task forces.

Summary of USMS Response. The USMS agreed that establishing criteria for the referral of violent federal fugitive cases to the RTFs and other task forces is necessary. The USMS plans to establish procedural and policy guidance governing the assignment of violent federal fugitive cases, including collateral leads, to the RTFs and district task forces, and will make recommendations regarding these policies by October 1, 2005.

OIG Analysis. Recommendation 3 is Resolved – Open. The actions planned by the USMS to develop procedural and policy guidance governing the assignment of violent federal fugitive cases to the RTFs and district task forces are responsive to our recommendation. Please provide a copy of the recommendations regarding the procedural and policy guidance by November 1, 2005.

**Recommendation 4:** Analyze WIN data to ensure that the districts appropriately focus on violent federal and state fugitive investigations.

Summary of USMS Response. The USMS agreed with the recommendation and noted that the USMS already conducts some analyses using WIN data. The USMS plans to improve this effort by incorporating the performance measures created in response to Recommendation 1 and other pertinent information into improved WIN data analyses. These analyses are designed to improve the USMS's effectiveness in apprehending violent fugitives and reducing the number of violent fugitives at large.

OIG Analysis. Recommendation 4 is Resolved – Open. The actions planned by the USMS to improve WIN data analysis and develop new

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reporting requirements are responsive to our recommendation. The USMS plans to implement this new analysis effort by December 1, 2005. Please provide a status report on the development of improved WIN analysis by November 1, 2005.

**Recommendation 5:** Consider creating the six RTFs proposed in the Department's October 2004 *Fugitive Apprehension Report*.

Summary of USMS Response. The USMS agreed with the recommendation and will continue to request appropriations for staffing and funding to create additional RTFs.

OIG Analysis. Recommendation 5 is Resolved – Closed. The actions planned by the USMS to request appropriations for staffing and funding to create additional RTFs are responsive to our recommendation.